

**RULES AND REGULATIONS**

**Governing**

**HORSE RACING**

**In**

**ARKANSAS**

**2003 Edition**

**Arkansas State**

**Racing Commission**

**RULES AND REGULATIONS**

**of**

**HORSE RACING**

**2003 Edition**

**Adopted By**

**Arkansas State  
Racing Commission**

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## **FOREWORD**

The Rules herein prescribed, and any amendments or additions thereto, apply to all persons, partnerships, associations, firms, or corporations, their officers, directors, stockholders, agents, representatives or employees, who hold, conduct, patronize, aid, assist or participate in any Meeting within the State of Arkansas where Thoroughbred Horse Racing licensed by the State of Arkansas shall be permitted for any stake, purse or reward. The definitions and interpretations of racing terms herein set forth, as well as the Foreword are to be considered in connection with the Rules and as a part of them.

In reading the Rules, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the State of Arkansas.

Every franchise to hold a Meeting is granted upon the condition that the franchise holder shall accept, observe, and enforce said Rules. Furthermore, it shall be the duty of each and every officer, director and every official and employee of said franchise holder to observe and enforce the Rules.

Any and all of the Rules may be amended, altered, repealed or supplemented by new and additional Rules.

The Racing Commission shall have continuing jurisdiction and control over all penalties and decisions imposed or made by them, or their predecessors, except as otherwise provided by Law. Furthermore, the Commission shall have the power and authority to review, affirm, modify or rescind any penalty or decision with regard to any infraction of these Rules which may be imposed or made by the racing officials of any Meeting.

The Laws of the State of Arkansas, and the Rules promulgated by the Racing Commission, supercede the conditions of a race, or the regulations of a race Meeting.

Note: Numbering of these Rules will not be consecutive since the Commission Rules which apply to other types of racing are omitted.

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## **DEFINITIONS**

**1000.** The following definitions and interpretations shall apply through out these Rules unless the text otherwise requires:

**1001.** "Act" is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction.

**1002.** "Added Money" is the amount added into a stakes by the association, or by sponsors, state-bred programs or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from the horsemen.

**1003.** "Age" of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling.

**1004.** "Also Eligible" pertains to:

- a) a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or
- b) the next preferred non-qualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

**1005.** "Allowance Race" is an overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings and number of wins.

**1006.** "Appeal" is a request for the Commission or its designee to investigate, consider and review any decisions or rulings of stewards of a meeting.

**1007.** "Arrears" are all monies owed by a licensee, including subscriptions, jockey fees, forfeitures and any default incident to these rules.

**1008.** "Association " is a person or business entity holding a license from the commission to conduct racing with pari-mutuel wagering.

**1009.** "Association Grounds" is all real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, employee housing facilities and parking lots and any other areas under the jurisdiction of the Commission.

**1010.** "Authorized Agent" is a person licensed by the Commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act.

**1011.** "Beneficial Interest" is profit, benefit or advantage resulting from a contract or the ownership of an estate as distinct from the legal ownership or control. When considered as designation of character of an estate, is such an interest as a devisee, legatee or donee takes solely for his own use or benefit and not as holder of title for use and benefit of another.

**1012.** "Betting Interest" is one or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes.

**1013.** "Bleeder List" is a tabulation of all bleeders to be maintained by the Commission.

**1014.** "Breakage" is the net pool minus payoff.

**1015.** "Breeder" is the owner of the horse's dam at the time of foaling.

**1016.** "Carryover" is non-distributed pool monies which are retained and added to a corresponding pool in accordance with these rules.

**1017.** "Claiming Race" is a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules.

**1018.** "Commission" is the regulatory agency with the authority to regulate racing.

**1019.** "Conditions" are qualifications which determine a horse's eligibility to be entered in a race.

**1020.** "Contest" is a competitive racing event on which pari-mutuel wagering is conducted.

**1021.** "Contestant" is an individual participant in a contest.

**1022.** "Coupled Entry" are two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

**1023.** "Day" is a 24-hour period beginning at 12: 01 a.m. and ending 12: 00 p.m. midnight. Also known as a calendar day.

**1024.** "Dead Heat" is the finish of a race in which the noses of two or more horses reach the finish line at the same time.

**1025.** "Declaration" is the act of withdrawing an entered horse from a race prior to the closing of entries.

**1026.** "Entry" is:

- a) a horse made eligible to run in a race; or
- b) two or more horses, entered in the same race, which have common ties of ownership, lease or training.

**1027.** "Exhibition Race" is a race on which no wagering is permitted.

**1028.** "Expired Ticket" is an outstanding ticket which was not presented for redemption within the required time period for which it was issued.

**1029.** "Financial Interest" is an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have a financial interest.

**1030.** "Flat Race" is a race in which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed.

**1031.** "Forfeit" is money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Commission.

**1032.** "Guest Association" is an association which offers licensed parimutuel wagering on contests conducted by another association (the host) in either the same state or another jurisdiction.

**1033.** "Handicap" is a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

**1034.** "Handle" is the aggregate of all pari-mutuel pools, excluding refundable wagers.

**1035.** "Horse" is any equine (including and designated as a mare, filly, stallion, colt, ridgeling or gelding) registered for racing: specifically, an entire male 5 years of age and older.

**1036.** "Host Association" is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

**1037.** "Inquiry" is an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

- 1038.** "Jockey" is a professional rider licensed to ride in races.
- 1039.** "Licensee" is any person or entity holding a license from the Commission to engage in racing or a regulated activity.
- 1040.** "Maiden" is a horse that has never won an official or recognized race as defined in breed registry rules.
- 1041.** "Maiden Race" is a contest restricted to nonwinners.
- 1042.** "Match Race" is a race between two horses under conditions agreed to by their owners.
- 1043.** "Meeting" is the specified period and dates each year during which an association is authorized to conduct racing by approval of the Commission.
- 1044.** "Minus Pool" occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.
- 1045.** "Month" is a calendar month.
- 1046.** "Mutuel Field" is two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.
- 1047.** "Net Pool" is the amount of gross ticket sales less refundable wagers and statutory commissions.
- 1048.** "Nomination" is the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.
- 1049.** "Nominator" is the person or entity in whose name a horse is nominated for a race or series of races.
- 1050.** "Objection" is:
- a) a written complaint made to the stewards concerning a horse entered in a race and filed not later than two hours prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or
  - b) a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official.

**1051.** "Official Order of Finish" is the order of finish of the horses in a contest as declared official by the stewards.

**1052.** "Official Starter" is the official responsible for dispatching the horses for a race.

**1053.** "Official Time" is the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

**1054.** "Off-Time" is the moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

**1055.** "Optional Claiming Race" is a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race. The race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

**1056.** "Outstanding Ticket" is a winning or refundable pari-mutuel ticket which was not cashed during the performance for which it was issued; also known as "Outs."

**1057.** "Overnight Race" is a contest for which entries close at a time set by the racing secretary; also known as "Purse Race."

**1058.** "Owner" is a person who holds any title, right or interest, whole or partial in a horse, including the lessee and lessor of a horse.

**1059.** "Paddock" is an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

**1060.** "Pari-Mutuel System" is the manual, electro-mechanical, or computerized system and all software (including the totalisator, account betting system and off-site betting equipment) that is used to record bets and transmit wagering data. "Pari-mutuel wagering" shall include any method of wagering approved by the Racing Commission whereby amounts wagered are placed in one or more designated wagering pools (whether or not the wagers are placed with respect to the same race), and the amounts remaining in the respective wagering pool, after reduction for the takeout under applicable law and rules and regulations of the Racing Commission, are returned to the winning bettors or bettors under the rules applicable to the particular wagering pool and in accordance with applicable law and the rules and regulations of the Racing Commission (subject, in the case of uncashed pari-mutuel tickets, to the provisions of Ark. Code Ann. Section 23-110-406(b) and Rule 1152).

**1061.** "Patron" is a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

- 1062.** "Payoff" is the amount of money payable to winning wagers.
- 1063.** "Performance" is a schedule of contests conducted on the same day as authorized by the Commission.
- 1064.** "Permit" is an authorization by the Commission to an association to conduct horse racing with pari-mutuel wagering at a specified location.
- 1065.** "Person" is any individual, partnership, corporation or other association or entity.
- 1066.** "Post Position" is the pre-assigned position from which a horse will leave the starting gate.
- 1067.** "Post Time" is the scheduled starting time for a contest.
- 1068.** "Prima Facie Evidence" is evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.
- 1069.** "Profit" is the net pool after deduction of the amount bet on the winners.
- 1070.** "Profit Split" is a division of profit amongst separate winning betting interests or winning betting combinations resulting in two or more payoff prices.
- 1071.** "Program" is the published listing of all contests and contestants for a specific performance.
- 1072.** "Protest" is a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, jockey or official prohibited by rules, which, if true, shall exclude that horse/jockey from racing.
- 1073.** "Purse" is the total cash amount for which a race is contested.
- 1074.** "Race" is a contest between horses at a licensed meeting.
- 1075.** "Registered Arkansas-bred" thoroughbred horses, registered Arkansas thoroughbred broodmare, registered Arkansas thoroughbred stallion, foal registration, broodmare registration and stallion registration, eligibility to participate in the Arkansas Racing Commission Purse and Awards Fund and eligibility to participate in races that restricted to registered Arkansas-bred thoroughbred horses shall be determined and made in accordance with registration and fee schedules, adopted by the Arkansas Thoroughbred Breeders and Horsemen's Association and approved by the Commission.
- 1076.** "Restricted Area" is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

**1077.** "Result" is the part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest.

**1078.** "Scratch" is the act of withdrawing an entered horse from a contest after the closing of entries.

**1079.** "Scratch Time" is the deadline set by the association for withdrawal of entries from a scheduled performance.

**1080.** "Simulcast" is the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

**1081.** "Single Price Pool" is an equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

**1082.** "Stable Name" is a name used other than the actual legal name of an owner or lessee and registered with the Commission.

**1083.** "Stakes Race" is a contest in which nomination, entry and/or starting fees contribute to the purse.

**1084.** "Starter" is a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

**1085.** "Steeplechase Race" is a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

**1086.** "Steward" is a duly appointed racing official with powers and duties specified by rules.

**1087.** "Substantial Evidence" is evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

**1088.** "Takeout" is the total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

**1089.** "Totalisator" is the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds and payoff prices to patrons at a pari-mutuel wagering facility.

**1090.** "Trial Race" is part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

**1091.** "Walkover" is a race in which only one horse starts or in which all the starters are owned by the same interest.

**1092.** "Week" is a calendar week.

**1093.** "Weigh In" is the presentation of a jockey to the clerk of scales for weighing after a race.

**1094.** "Weigh Out" is the presentation of a jockey to the clerk of scales for weighing prior to a race.

**1095.** "Weigh for Age" is a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

**1096.** "Winner" is the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

**1097.** "Year" is a calendar year.

#### **FRANCHISES AND APPLICATIONS FOR RACING DATES**

**1100.** Every franchise and every license to hold a meeting is granted upon the condition that the franchise holder shall accept, observe and enforce the Rules and Regulations of the Commission, and it shall be the duty of each and every officer, director and employee of said franchise holder to observe and enforce the rules.

**1102.** Every application to become a franchise holder shall contain the following:

#### **APPLICATIONS FOR FRANCHISES**

**1101.** Every application to become a franchise holder shall contain the following:

##### **I. OWNERSHIP AND MANAGEMENT**

A. State the name of the applicant and indicate whether it is an individual, firm, association, partnership or corporation.

B. State the following information as to the applicant:

(If the applicant has a parent corporation, the same information must be submitted both for the parent and applicant corporation.)

1. State the year in which the applicant was organized, its form of



organization and the name of the state under the laws of which it was organized. Attach a copy of the Articles and By-laws to the application.

2. State the classes of capital stock authorized, the amount authorized, and the amount outstanding as of the date not less than fifteen (15) days prior to the date of filing on the application. State the amount of dividends paid to stockholders during the five (5) years immediately preceding the application.

3. State the name and address of each person who owns, of record or beneficially, one or more shares of any class of capital stock.

This can be indicated in columnar forms as follows:

- (1) Name and address.
- (2) Class of stock owned.
- (3) Type of ownership whether of record or beneficial.
- (4) Amount owned.
- (5) Percent of the class of stock.

4. Describe briefly the terms of any voting trust in which any of the capital stock is held and the name, address, class or stock and number of shares of stock for all stock held in said voting trust.

5. Describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock and number of shares of stock for all stock held by said proxy.

6. State whether 5% or more of the applicant's assets, or 5% or more of any principal stockholders' stock, is encumbered by any long term debt. Explain fully, by stating names and addresses of parties holding security interests or promissory notes from the applicant and the stockholders, where the stock is pledged as security, and outline the terms of the agreements creating the security interests.

7. Outline briefly the dividend rights, voting rights, liquidation rights, preemptive rights, conversion rights, and redemption provisions. If the rights of holders of such stock may be modified otherwise than by a vote of majority or more of the shares outstanding, voting as a class, so state and explain briefly.

8. If the applicant was organized as a corporation within the past five (5) years, furnish the following information: the names of the promoters: the nature and amount

of anything of value received or to be received by each promoter directly or indirectly from the applicant: and the nature and amount of any assets, services or other consideration therefor received or to be received by the applicant.

9. List the names of all directors and officers of the applicant and all persons chosen to become directors or officers and attach a personal history resume for each person named. Indicate all positions and offices with the applicant held by each person named, and the principal occupation during the past five years of each person named.

10. List all parents of the applicant showing the basis of control and as to each parent, the percentage of voting securities owned, or other basis of control by any of its parents.

C. 1. Attach to the application, balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. Balance sheets, profit and loss statements, and all other financial statements required herein shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices applied on a consistent basis. Any report containing exceptions of a material nature, will not be considered to be certified.

2. State all loans by applicant in excess of 1% of the net income and describe fully the name of the borrower, amount of the loan, collateral, and terms.

D. Briefly describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporation is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted and the principal parties thereto.

E. State if the applicant, or its directors, officers, policy-making manager or principal stockholders have owned an interest in any firm, partnership, association or corporation previously licensed by the Arkansas Racing Commission, or are now engaged in the business of racing outside of the State of Arkansas. Explain.

F. Describe briefly and where practical state the approximate amount of any material interest, direct or indirect, of any officer, director or principal stockholder of the applicant, or any associate of any of the foregoing persons in any material transactions during the last 3 years, or in any material proposed transactions to which the applicant was, or is to be a party.

G. State generally the principal purposes for which the net income received

by the applicant is intended to be used, (whether it be for payment of dividend, retained earnings for enumerated purposes of other purposes) and show the approximate percentage of the amount intended for each purpose.

H. State all contracts by the applicant entered into within the year preceding the date of application, and all executory contracts not otherwise described pursuant to these rules in which the consideration exceeds 1% of net income and describe fully, including the names of the parties to the contract, amount of consideration and terms.

I. List all direct remuneration paid by the applicant and its subsidiaries, if any, during the applicant's last fiscal year to:

1. each director and officer of the applicant whose aggregate direct remuneration exceeded \$10,000, naming each such person;
2. all directors of the applicant as a group without naming them;
3. all officers of the applicant as a group without naming them;
4. all other persons whose aggregate remuneration exceeds \$10,000, naming each such person. As used in this paragraph, direct remuneration shall include salary, retirement benefits, automobile furnished, expenses reimbursed, and all other sums paid for the benefit of the officer, director, or other recipient.

J. State whether the applicant, its officers, directors and principal stockholders have complied with and are in compliance with Rule 1110. If not in compliance, explain in full.

## II. LOCATION AND PHYSICAL PLANT

A. State county and municipality of track.

B. Give actual legal description of a site, names and addresses of the title holders to the real property and names and addresses of all persons holding mortgages or other security interests in the property.

C. State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population's center.

D. Indicate the exact dimensions of any track proposed.

E. Describe the grandstand size and type construction. Submit at least one copy of architect's plans or rendering showing details of any proposed constructions.

F. Describe briefly the efforts made to insure the security, safety and comfort of patrons and license holders.

G. State the availability of the fire protection and adequacy of law enforcement and police protection.

H. Indicate the parking lot capacity and describe the construction and type of parking facilities.

I. Indicate the number and type of construction of stables and other areas, indicating capacities and fire prevention facilities for all areas.

J. Indicate the provisions for facilities for owners, and other racing personnel.

K. Describe the arrangements for food and drink concession, indicating the names and addresses of concessionaires and the terms of the concession contracts. Attach copy of contract.

L. Describe any concessions, clubs, or other special facilities for patrons.

### III. RACING OPERATION

A. Indicate by actual dates the racing days requested by the applicant.

B. Indicate the kind of racing to be conducted.

C. Describe the parimutuel operation in general and indicate in particular the terms of the parimutuel ticket sales.

### IV. ECONOMIC AND OTHER ASPECTS OF TRACK LOCATION

A. Describe briefly climatic conditions prevalent during the proposed racing season.

B. Indicate the population of the local area, and the growth trend. Indicate the potential market, including tourists, transients and patrons from neighboring areas.

C. Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional and services, and military and other governmental sources.

D. Indicate the affect of competition with other race tracks in and out of the State and with other sports or recreational facilities in the area. State in detail what affect the

competition from other race tracks will have on the availability of the racing stock and track personnel.

E. Indicate what affect opposition from area residents will have on the economic outlook for the proposed track.

### **APPLICATIONS FOR RACING DATES**

**1103.** Application for racing dates must be filed by a franchise holder at least ninety (90) days prior to the date upon which it is desired to begin the racing meet. Whenever mutually agreeable to the Commission and the franchise holder, the Commission may allot racing dates other than those requested in the applications. Immediately following the allotting of any racing dates and the issuance of a license to hold a racing meet, the Commission shall notify the franchise holder of the dates allotted which notices shall be in writing and sent by registered or certified United States Mail to the franchise holder, and each such notice and license shall be mailed by the Commission at least sixty (60) days before the date fixed for the beginning of the racing meet.

**1104.** Every application for a license for dates to conduct thoroughbred horse racing shall contain the following:

#### **I. OWNERSHIP AND MANAGEMENT**

A. State the name of the applicant.

B. The applicant shall supply the following information:

(If the applicant has a parent corporation, the same information must be submitted both for the parent and applicant corporation.)

1. On the initial application of a franchise holder for racing dates, a certified copy of the articles of incorporation of the applicant must be attached to the application and any applications for racing dates filed subsequent to the initial application and any subsequent amendments to the aforementioned articles of incorporation shall be attached thereto, so that there will be on file at the Commission at all times a current copy of the applicant's articles of incorporation and amendments thereto.

2. State the name and address of each person who owns, of record or beneficially, one or more shares of any class of stock. This can be indicated in columnar forms as follows:

(1) Name and address

(2) Class of Stock

(3) Type of ownership, whether of record or beneficial

(4) Amount owned

3. Describe briefly the terms of any voting trust in which any of the capital stock is held and the name, address and class of stock for all stock held in said voting trust.

4. Describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address and class of stock for all stock held by said proxy.

5. State whether 5% or more of the applicant's assets are encumbered by any long-term debt. If so, state the names and addresses of parties holding security interests or promissory notes from the applicant where the stock is pledged as security. Copies of such agreements shall be made available for inspection by the Commission on request.

6. Outline briefly the dividend rights, voting rights, liquidation rights, preemptive rights, conversion rights and redemption provisions. If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

7. List the names of all directors and officers of the applicant and all persons chosen to become directors or officers and attach a personal history resume for each person named. Indicate all positions and offices with the applicant held by each person named, and the principal occupation during the past five years of each person named.

8. List all parents of the applicant showing the basis of control and as to each parent, the percentage of voting securities owned, or other basis of control by any of its parents.

C. Briefly describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporation is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted and the principal parties thereto.

D. State if the applicant, or its directors, officers, policy-making manager or principal stockholders have owned an interest in any firm, partnership, association or corporations previously licensed by the Arkansas Racing Commission, or are now engaged in the business of racing outside of the State of Arkansas. Explain.

E. State all contracts by the applicant entered into within the year preceding the date of application, and all executory contracts not otherwise described pursuant to these

rules, in which the consideration exceeds \$10,000.00 and indicate the general type of contract involved and the names and addresses of the parties to the contract. A copy of any such contracts shall be made available for inspection by the Commission on request.

F. State whether the applicant and principal stockholders have complied with and are in compliance with Rule 1110.

## II. RACING OPERATIONS

A. Indicate by actual dates the racing dates requested by the applicant.

B. Indicate the kind of racing to be conducted.

C. Describe the parimutuel operation in general and indicate in particular the terms of the parimutuel ticket sales.

D. Describe the arrangements for food and drink concessions, and, as to each concession contract, indicate the general type of contract involved and the names and addresses of the parties to the contract. A copy of any such contract shall be made available for inspection by the Commission on request.

E. Describe any clubs or other special facilities for patrons.

## III. INFORMATION SUBMITTED AFTER APRIL 1, 1970

Any information submitted after April 1, 1970, may reference information previously submitted under an application.

**1107.** In the event the control (whether majority or less of the capital stock) of any corporation holding a franchise for racing from the Commission is to be conveyed, no sale or conveyance shall take effect until approval is obtained from the Arkansas Racing Commission. The application of the purchases for the permission and approval of the Racing Commission shall contain, where applicable, the same information as is required to be furnished under Rule 1102.

## DUTIES AND OBLIGATIONS

**1110. I.** No applicant, officer, director or principal stockholder of the applicant, nor any officer or director of any corporation which is a principal stockholder of the applicant, nor any spouse or lineal heir of any such person, nor any corporation in which the applicant or an officer, director or principal stockholder of the applicant holds stock, shall, directly or indirectly, in the name of or on behalf of the applicant, promise or offer to give or cause or procure to be promised, offered or given, any money, goods, present or reward, or any promise, contract,

undertaking, obligation or security for the payment or delivery of any goods, money, present or reward or any other thing of value whatsoever, to:

(1) Any member of the Commission

(2) Employees of the Commission

(3) Any spouse, lineal heir or employee of any member of the Commission or any corporation in which any member of the Commission is a principal stockholder, with the intent to influence the action or decision of any such person on any question, matter, cause or proceeding concerning the applicant, which may be pending or which may hereafter in the future be brought before any such person in his official capacity.

**II.** No officer, director or principal stockholder of the applicant, nor any officer or director of any corporation which is a principal stockholder of the applicant, nor any spouse or lineal heir of any such person, nor any corporation in which an officer, director or principal stockholder is a principal stockholder shall:

- a. contract with the applicant (except for bona fide contract for salaries for directors and officers actually serving as such or for professional services actually rendered)
- b. provide goods or services which are ultimately sold to applicant's patrons.

**III.** Upon application to the Commission, prior to entering into any such contract or doing any such business, or making any such payment or contribution, the provisions of paragraphs I and II of this Rule may be waived by the Commission, in its discretion, if the proposed contract, or the proposed business, or any proposed payment or contribution, is under the circumstances, advantageous to the applicant in the conduct of its business of thoroughbred horse racing.

**IV.** No license shall be granted to any applicant if the applicant or any officer, director or principal stockholder of the applicant has been convicted of a felony by any court of record of any state or country.

**1111.** No applicant shall enter into any contract in which the term exceeds three (3) years or the consideration exceeds five percent (5%) of the net income of the applicant for the year immediately preceding the date of the contract without first submitting advance written notice thereof to the Commission.

**1112.** Minutes of the meetings of stockholders and directors of the applicant shall be made available to the Commissioners, but copies thereof need not be filed as a matter of record in the office of the Commission.



**1113.** The original and six (6) copies of all applications, notices and other matters required by these rules, shall be filed with the Commission Office, Joel Y. Ledbetter Building, 7th & Wolfe Streets, Little Rock, Arkansas. One (1) additional copy shall be submitted to each Commissioner at his address of record on file in the office of the Commission. All applications, notices and other matters shall be verified, under oath, and all copies shall be manually signed in ink.

**1115.** Members of the Arkansas State Racing Commission, and its designated representatives, shall have the right of full and complete entry to any and all parts of the grounds and mutuel plans of the franchise holder licensed to conduct racing in Arkansas.

**1116.** Each franchise holder shall provide and install within its grounds:

- a. Office for the use of the Commission and its officials
- b. Stands for racing officials shall be maintained in positions commanding an uninterrupted view of the entire racing strip, which shall be subject to approval of the Commission.
- c. A suitable telephone system between the racing officials.
- d. A first aid room in the grandstand.

**1117.** No person shall in any manner, or at anytime disturb the peace or make himself obnoxious on the grounds of a franchise holder.

**1118.** No franchise holder shall permit the making of handbooks on the grounds. Any person who bets with or through any such handbook shall be ejected from the grounds and refused admission to the grounds of all other licensed franchise holders in Arkansas, and in the case of an owner or trainer the entries of said owner or trainer shall be refused for all Arkansas tracks.

**1119.** (a) With prior approval of the Commission, and consistent with applicable federal law, a franchise holder may enter into agreements and arrangements with other parties pursuant to which its patrons may wager on races run at other race tracks which are shown live by television or otherwise at locations on the grounds at the Arkansas race track at any time or times during the calendar year and agreements and arrangements whereby its races are shown live at other race tracks and locations. Such agreements and arrangements shall specify all financial, wagering, distribution and other details which shall govern.

(b) The franchise holder may conduct pari-mutuel wagering at locations on the grounds of the licensed race track of the franchise holder on races run at other race tracks even if the races are not shown live to patrons at the franchise holder's premises for any reason, including, but not limited to, lapses in satellite transmission, power outage, store-and-forward

digital network nodes, buffering spooling or other electronic delays or re-transmission, or due to races being run at times when the franchise holder's premises are not open to the public; provided that transmission delays or replays shall not compromise the integrity of pari-mutuel wagering by the franchise holder's patrons wagering on such races, and provided that the terms, conditions, formats, content and agreements relating such races and any delays or replays thereof must be satisfactory to the Racing Commission. [Moved from Rule 2600]

**1120.** Any official or other employee of a franchise holder or any owner or trainer who unlawfully solicits bets from the public by correspondence or other methods on any entry which is to run on a track in Arkansas shall be suspended.

**1121.** No person who has been convicted of a felony by a Court for illegal sales, possession, or giving away of narcotics shall be granted a license without prior approval of the Commission.

**1122.** No person, or horse ruled off, or under suspension by any recognized turf authority, any licensing body in any country, or any horse franchise holder, shall be admitted to the grounds of any franchise holder except that a jockey temporarily suspended for a minor offense shall not be denied admittance to the track.

**1124.** When a person is ruled off any course or suspended by any recognized turf authority, any licensed body of any country, or any thoroughbred horse franchise holder, every horse owned in whole or in part by him shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescission of the owner's suspension or by its transfer through bona fide sale to an ownership acceptable to the Stewards.

**1126.** When a person is ruled off any course or suspended by any recognized turf authority, any licensing body of any country, or any thoroughbred horse franchise holder, any horse which is under his care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescission of said person's suspension or by the placement of the horse in the hands of a licensed trainer and the approval of the transfer by the Stewards.

**1128.** When a person is ruled off any course or suspended by any recognized turf authority, any licensed body of any country, or any racing franchise holder, he shall not be qualified, whether acting as an agent or otherwise, to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of that person's suspension.

**1130.** A thoroughbred horse or stable ruled off or under suspension by any recognized turf authority, any licensing body of any country, or any racing franchise holder shall not be permitted to race on any Arkansas track where these rules are in force during the continuance of such ruling.

**1132.** During the term of disqualification of any participant in racing, it shall be the duty of the franchise holder to see to it that the privileges of his admission badge are revoked, and that he is kept off of the grounds unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in these Rules.

**1133.** Violators of any Rule will be subject to ejection from the grounds and/or to fine, suspension or ruling off.

**1134.** The Stewards may fine, suspend or Rule off any person who, in their opinion, has acted to the detriment of racing or violated the Rules.

**1136.** Each franchise holder shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the stables excepting those having bona fide business or duly licensed by the Commission.

**1138.** Each franchise holder shall furnish to the Commission the names and addresses of all persons ejected by the franchise holder from its grounds, together with the offense or offenses alleged against them and any other material information relating thereto.

**1139.** The officials of the Race Meetings, in making decisions, shall be guided by the practices and procedures that are recognized and established in the conduct of all properly authorized Race Meetings.

**1140.** Racing franchise holders shall exclude from the paddock, in the interest of public safety, all those persons who have no immediate business with the entries, except the members of the Commission, its staff and special representatives and those having special permission from the franchise holder.

**1141.** Each franchise holder running a race meeting shall keep a separate account to be known as the Owner's Account and shall not mingle any of the funds therein with the general funds of the franchise holder.

**1142.** Sufficient funds shall be maintained in said account to cover all monies due owners in regard to purses, stakes, rewards and deposits.

**1143.** Racing franchise holders shall make prompt written acknowledgment of stake nominations and subscriptions.

**1144.** The Manager of the Pari-Mutuel Department shall furnish the Racing Commission with a copy of all "take-off sheets" of the mutuels as soon as practicable after each race.

**1146.** In the case of fire or accident, or for other reasons, after due public notice that there is an information window and/or a complaint window where complaints may be made or

filed in writing and the exact locations of the windows must be set forth in said notice.

**1147.** All daily programs sold at the race track must contain a prominent notice that there is an information window where complaints may be made or filed in writing and the exact locations of these windows must be set forth in said notice.

### **NOTICE**

This race track is licensed for \_\_\_\_\_ by the Arkansas State Racing Commission and operates under its regulations.

### **ARKANSAS STATE RACING COMMISSION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
Manager

Officers and Directors of the Association:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Racing Officials for the Meeting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1148.** A franchise holder shall maintain in good service a satisfactory Totalizator.

**1149.** The Commission may require a franchise holder to install and maintain in good service a satisfactory photographic device, and where installed it shall be required that all finishes be recorded by the said photographic devices: provided, however in the event of any mechanical difficulty or insufficient light for a picture to be taken, the Placing Judges shall decide the order of finish, which decision shall be final.

**1150.** When finishes are so recorded each entry in each race shall wear a number of adequate size, on the side which at the finish will be towards the camera, corresponding to his number on the official program.

**1151.** All portions of purse money shall be made available to the winners thereof within 96 hours, Sunday excluded, following the race involved. However, should the chemical analysis

of any sample of a horse entitled to a share of the purse indicate the presence of a drug except as provided for in Rule 1232, the purse may be revoked at any time up to 9 months and ordered redistributed by the Commission. The failure of the owner or jockey testing positive for the presence of a drug to repay the funds to the proper person (s) as Ordered by the Commission shall result in the suspension and/or revocation of the owner's or jockey's license. The money shall be repaid to the proper person (s) for distribution as soon as possible after recovery. After the period of 9 months, all tests and obligations shall be void.

**1152.** (a) Every franchise holder shall carry on its books an account which shows the total due on outstanding unredeemed mutuel tickets which represents the winning tickets not presented for payment. Further, every franchise holder shall at all times maintain adequate funds to pay said outstanding tickets.

(b) Live Races. With respect to live races run at the franchise holder's racing facility during the franchise holder's live racing meet, all winning pari-mutuel tickets not presented to the franchise holder for redemption on or before the 180th day next following the last racing day of the live racing meet shall be void as provided in Ark. Code Ann. Section 23-110-406(b). All moneys represented by such void pari-mutuel tickets shall be distributed as provided in Ark. Code Ann. Section 23-110-406(b).

(c) Simulcast Races. With respect to races run at other racing facilities and simulcast at the franchise holder's racing facility, all winning pari-mutuel tickets on such simulcast races run from January 1 through the last day of the live racing meet each year (the "Last Live Meet Day") which are not presented to the franchise holder for redemption on or before the 180th day next following such Last Live Meet Day shall be void, and all winning pari-mutuel tickets with respect to such simulcast races run after the Last Live Meet Day through December 31 of such year which are not presented to the franchise holder for redemption on or before June 30 of the immediately next succeeding calendar year shall be void. All moneys represented by any such void pari-mutuel tickets shall be distributed by the franchise holder as provided in Ark. Code Ann Section 23-110-406(b) in the same manner as uncashed winning pari-mutuel tickets with respect to live races run at the franchise holder's racing facility.

**1153.** No person shall be allowed to wager in violation of any law of the State of Arkansas.

### **CORRUPT, FRAUDULENT AND PROHIBITED PRACTICES**

**1200.** Employees of the Arkansas State Racing Commission, including but not limited to Stewards, Judges, Auditors, Investigators, Racing Commission Office Manager, Veterinarians, Secretaries, Bookkeepers, Gatemen and their assistants and any person acting in the capacity of a Racing Official shall not wager money or anything of value on races at the track at which they are employed or acting.

**1201.** No one interested in the results of the race, either because of ownership of any

entry, or of his sire or dam, because of bets or otherwise shall act as a racing official in respect to that race.

**1202.** Racing officials while serving during any meeting in such capacity shall not engage in the following:

- a. participate in the sale or purchase, or ownership of any horse racing at the meeting;
- b. be involved in any way in the purchase or sale of any contract on any jockey racing at the meeting;
- c. sell or solicit horse insurance on any horse racing at the meeting; or any other business sales or solicitation not a part of the official's duties; or
- d. wager on the outcome of any race; or
- e. accept or receive money or anything of value for such official's assistance in connection with his/her duties.

Racing officials shall include those officials who are approved and designated by the Arkansas State Racing Commission as racing officials for each live racing meet.

**1203.** Any person subject to these rules shall report to the Stewards all observed violations of the rules.

**1204.** No person shall enter, or cause to be entered, or start an entry which he knows or believes to be ineligible or disqualified.

**1205.** If a person wrongfully gives or offers money, shares in a bet, or other benefit to any person having official duties in relation to a race, or if a person having official duties in relations to a race wrongfully accepts or offers to accept moneys, shares in a bet, or other benefit; or if any person fraudulently offers or receives any amount of money for the declaring any entry out of a purse or stake, then any such person shall be in violation of this rule.

**1206.** No person licensed as a jockey at Oaklawn Park shall be owner or part owner of any horse racing at Oaklawn.

**1207.** No jockey riding in a race, nor his attendant, shall make any wager, nor shall any wager be made on the behalf of a jockey or his attendant on any horse other than the horse ridden by said jockey in such race.

**1208.** No person shall offer or give a jockey any money or other benefit in connection with a race, unless said person is the owner or trainer of the horse ridden in said race by said

jockey.

**1209.** No person shall assume or pay, directly or indirectly, a fine imposed upon a jockey. Provided that the Commission may authorize the payment of such fine by the owner or trainer of the horse ridden by the jockey at the time of the infraction resulting in such fine.

**1210.** No transfer of any thoroughbred horse shall be made for the purpose of avoiding ineligibility or disqualifications.

**1211.** A thoroughbred horse, starting in a race, shall not be shod with ordinary or training shoes or turn down shoes.

**1212.** No person shall tamper or attempt to tamper with any thoroughbred horse in such a way as to affect his speed in a race, nor shall he council or in any way aid or abet any such tampering.

**1213.** Bar plates may be used only with the consent of the Stewards.

**1214.** No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse, or that would tend to do so, other than the ordinary whip, shall be possessed by any one or applied by any one to a horse at any time on the grounds of a franchise holder during a meeting whether in a race or otherwise.

**1215.** While within the confines of a race track, its buildings, or on the grounds, no person, other than a Veterinarian licensed by the Commission, shall have in his/her possession any equipment for hypodermic administration. Non-injectable medication prescribed by a properly licensed Veterinarian for an existing condition may be possessed.

**1216.** No person shall administer, permit, or authorize the administration of any narcotic, stimulant, tranquilizer, depressant, local anesthetic, steroids, NSAIDS or any substance which interferes with recognized testing procedures, except as provided in Rule 1232, in any manner whatsoever, internally or externally, to any horse after 6: 00 p.m. prior to each race day. The administration of any drugs or chemical substance shall be done at the risk of the person or persons administering, authorizing or permitting the administration, and all such persons shall assume the risk that if the horse test positive after an analysis by the Commission chemist, it shall be a violation of Rule 1233, whether the drug or chemical substance was administered before or after 6: 00 p.m. prior to race day.

**1217.** See separate booklet for Rule 1217 medication rules and penalties.

**1218.** Any trainer, attendant, owner, veterinarian, or other person who shall participate in the illegal administration of any drug, medication, or chemical substance to any horse entered in a race or otherwise tamper with an entered horse for the purpose of enhancing or retarding the performance of such a horse, shall be punished to such an extent as the Stewards rule.

a. Upon receipt of a positive laboratory report, the Stewards shall direct that no undistributed money earned by the positive horse be awarded pending a final determination of the matter. Distributed purse money may be ordered returned by the Stewards. If it is determined that a violation has occurred, the purse money will be ordered forfeited and redistributed among the other horses in the race as determined by the Stewards. Pari-mutuel wagering shall not be affected by purse money redistribution.

**1219.** Any trainer, attendant, owner, or other person having on their past record three or more convictions of unlawful stimulation in Arkansas, or any other State may be denied a license on any Arkansas track..

**1220.** Any franchise holder, owner, trainer, or other licensee employing persons at Oaklawn Jockey Club, who fails to hire qualified persons for the job duties assigned to their employees or fails to adequately supervise, direct, or train the persons in their employment, may be fined, suspended, or excluded.

**1221.** Any time a horse is disqualified from a race for any reason, the purse money won by that horse shall be redistributed, unless the Commission finds that there are special circumstances justifying the owner, trainer or jockey sharing in the purse.

**1232. MEDICATION: FUROSEMIDE (LASIX); PHENYLBUTAZONE (BUTE)**

**A. (LASIX)**

(1) General. The administration of LASIX shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the Commission Veterinarian.

(2) Bleeder List. In order to obtain approval for the administration of LASIX the bleeder horse must be placed on the Bleeders List. An up to date Bleeders List shall be maintained by the Commission. Only the following horses shall be placed on the Bleeder List.

(3) (a) A horse which during the race, or within the first hour immediately following the race, is observed by the track veterinarian or stewards to be shedding blood from one or both nostrils or is found to have bled internally, determined by endoscopic examination, performed by a veterinarian licensed by the Arkansas State Racing Commission. The licensed veterinarian conducting the examination will be required to sign an affidavit stating the date and time the examination was performed.

(b) After the start of each race meet, a horse which bled during exercise on the track, or within the first hour following such exercise, is subject to the same conditions as provided in subsection (3)(a) of this rule.



(c) A horse that has never run on LASIX in a race may run on LASIX with approval from the Commission Veterinarian by satisfying the conditions, and completing the proper paperwork, as required by the Commission Veterinarian.

(d) A horse that runs a race on LASIX shall be required to continue to maintain its medication status unless approved by the Commission Veterinarian, prior to entry of the horse.

(4) Horses which have been performing on LASIX from other jurisdictions, as indicated by the Daily Racing Form, Equibase, or other such reporting services approved by the Racing Commission, shall be required to continue to maintain their medication status unless approved by the Commission Veterinarian, prior to entry of the horse.

(5) Confirmation. The confirmation of a bleeder horse must be certified in writing by the Commission Veterinarian and entered by him on the Bleeder List. A copy of such certification shall be issued to the owner of this horse or his agent upon request.

(6) Age. Every confirmed bleeder regardless of age shall be placed on the Bleeders List.

(7) Removal from List. A horse shall be removed from the Bleeder List only upon the direction of the Commission Veterinarian, who shall certify in writing to the Commission Stewards his recommendation for removal.

(8) Medication Administration. Bleeder medication shall be administered by a veterinarian licensed by the Commission and employed by the owner of the horse or by his agent at a dose level up to 250mg.

(9) Time and Place. Horses qualified for medication and so indicated on the Official Bleeder List, must be treated at least four (4) hours prior to Post Time at the treated horse's stall on the grounds of the franchise holder.

a. The administering veterinarian shall sign an affidavit stating the name of the horse time of treatment, witnessed and signed by the trainer or his designated attendant.

b. The veterinarian must file the affidavit at the office of the State Veterinarian at least two hours prior to race time.

c. The groom or other personnel must be in visual contact at

all times of the horse treated with LASIX.

(10) Any horse that bleeds shall be placed on the Vet's list and ineligible to run for seven (7) days.

(11) A horse that has been certified as a bleeder from another jurisdiction may be admitted to the Arkansas Bleeder List provided it was certified using criteria satisfactory to this state, and a current certificate is provided to the Commission Veterinarian prior to entry of the horse in a race in Arkansas.

(12) Horses on LASIX shall be designated on the entry form at the time of entry and on the Official Daily Racing Program by the letter "L", and first-time starters shall be designated by the Letter "1" followed by the number L1".

B. Phenylbutazone (Bute)

The owner, trainer, or other licensees associated with any horse testing positive for Phenylbutazone ("Bute"), and/or Oxyphenbutazone, shall be subject to the following penalties for the levels of Bute detected:

3 - 5 micrograms:

1 <sup>st</sup> offense	---	warning
2nd offense	---	\$100 fine
3rd offense	---	\$250 fine

5.1 - 10 micrograms:

1st offense	- - -	\$500 fine
2nd offense	---	\$1,000 fine, suspension, and loss of purse
3rd offense	---	\$2,500 fine, suspension, and loss of purse

Over 10.1 micrograms:

1st offense	---	\$1,000 fine suspension, and loss of purse
2nd offense	---	\$2,500 fine suspension, and loss of purse

**1233.** THE TRAINER SHALL BE RESPONSIBLE FOR AND BE THE ABSOLUTE INSURER OF THE CONDITION OF AN ENTRY HE ENTERS REGARDLESS OF THE ACTS OF THIRD PARTIES. Should the chemical analysis of saliva, urine or blood specimen detect the presence of any drug, medication or chemical substances including but not limited to narcotics, stimulants, tranquilizers, depressants, steroids, NSAIDS or any substance which interferes with testing procedures, the trainer of the horse may, in the discretion of the Stewards, subject to appeal to the Commission, be fined, suspended and ruled off the track. In addition,

any other person responsible for the care or attendance of the horse may be penalized as determined by the Stewards or Commission.

a. A licensed ASSISTANT TRAINER shall assume the same duties and responsibilities as imposed on the holder of a TRAINER'S license. The designation of an ASSISTANT TRAINER shall not relieve the TRAINER'S absolute responsibility for the condition of the entry but shall, in addition, place the ASSISTANT TRAINER under such absolute responsibility. It is the intent of this rule that both the TRAINER and the ASSISTANT TRAINER may, in the discretion of the Stewards, or Commission, be fined, ruled off, or otherwise penalized, under the absolute insurer rule for the same incident or infraction.

**1234.** Any person who has been convicted by any court, having criminal jurisdiction, of the possession or use of narcotics may be denied a license, or be ruled off.

**1235.** At the beginning of each racing season the Commission may employ a Chemist for the purpose of making chemical analysis of saliva or other excretions or body fluids to be taken by the Commission Veterinarian from any entry running on any track operating under a franchise from the Commission.

**1236.** If after a race, a sample of saliva, or other excretions or body fluids, is to be taken by the Commission Veterinarian from a horse which has competed in the race, nothing shall be administered or given in any manner whatsoever to the said horse (except with the permission of and in the presence of the Track Veterinarian or Commission) until the Commission Veterinarian obtains the sample.

**1237.** The Commission Veterinarian, at his discretion, may administer a diuretic to any horse from which a urine sample is to be taken in order to expedite the test of the horse. Permission of such to be in the form of a signed statement by the Trainer,

**1238.** Every owner or his authorized agent or trainer of any entry shall immediately, upon request by the Commission, submit any entry of which he is the owner or authorized agent or trainer to any Veterinarian designated by the Commission for such examination or tests as - said Veterinarian may deem advisable. The Commission Veterinarian may detain an entry as long as he deems necessary in order to obtain a specimen.

**1239.** During the taking of the samples by the Commission Veterinarian, the owner or trainer in each instance must be present, and witness the procedure. If for any reason, the owner or trainer cannot be present, he must first advise the Commission Veterinarian in writing the name of the person to act as his witness when the sample is taken.

**1240.** The sample so taken shall be immediately sealed in a container in the presence of the owner, trainer or witness, and evidence of such sealing must be noted thereon by the signature of the owner, trainer or witness. The owner or trainer or witness or chemist appointed by them shall have the right and opportunity to witness the examination and testing of said

specimen by the Commission Chemist and at the time of the taking of the specimen notify the Commission Veterinarian in writing, signed by the owner or trainer that a chemist of their selection may desire to be present at the examining and testing of said specimen. Thereupon, said owner or trainer will receive written notification of the time and place of such examination and testing and in such event the seal of the containing said specimens shall be distributed by the Commission Chemist until the time so appointed and in the presence of the chemist selected by the owner or trainer, if he be present.

**1241.** Upon such sealing of the container containing the specimens, the container shall be encased and deposited in a large size carrying case all of which shall be stored and kept while at the race track, provided further that any such carrying case shall be properly locked with an individual lock, the keys to which shall only be in possession of the Commission Veterinarian and the Commission Chemist.

**1242.** The franchise holder shall make provisions for suitable space with a door equipped with proper lock and keys where such specimens can be stored by the Commission Veterinarian. The Commission Veterinarian shall be in control and custody of all specimens until they are transported to the Commission Chemist.

**1243.** The Commission Veterinarian and Commission Chemist shall each keep, in addition to the record placed on the containers containing the specimen, separate individual records showing date, track, race, entry, name of owner, name of trainer, name of witness, name of guard, name of transportation agent who delivered the specimen to the Commission Chemist and the time and date of receipt by the Commission Chemist, analysis made and result thereof.

**1244** Every franchise holder and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, divisions, officer, agent or inspector, or any other person connected with the United States Government or with the State of Arkansas, or any local authority, who may be investigating or prosecuting any such person they may suspect of being guilty of possessing any drug, hypodermic needles, batteries, or other similar appliances.

**1245.** Any horse that has been the subject of fraudulent practice may be disqualified by the Stewards for no longer period than the duration of the meeting.

**1247.** If any owner, trainer, attendant or any person uses profane or indecent language to officials or otherwise disturb the peace on any track enclosure, he shall be liable for a fine, suspension, or both, or shall be ruled off.

**1248.** The Stewards may fine, suspend or rule off any person who in their opinion has acted to the detriment of racing violated any of the Rules of the Commission.

**1249.** Should any licensee of the Commission incur expenses while racing at any licensed track and wrongfully refuses to pay the same when due and payable, or within a reasonable time after demand, such licensee shall be deemed guilty of conduct detrimental to the best interest of racing, and for such reason may be suspended until proper restitution is made.

**1250.** Employees or patrons who are careless of the safety of themselves and others, negligent, insubordinate, dishonest, immoral, quarrelsome or otherwise vicious, or who do not conduct themselves in such manner and do not handle their personal matters while on the premises of any licensed track in such a way that the franchise holder or Commission will not be subject to criticism or loss of good will, will be prohibited or removed from the premises of any track and denied wagering privileges.

**1251.** Complaints against an official or officials shall be made to the Stewards in writing, signed by the complainant (s). Complaints charging any infraction of any law of the State of Arkansas or rule of the Commission may be made by any person but if the complainant is an owner, trainer or authorized agent and if he fails to substantiate the charge he may be liable for a fine, suspension of any other appropriate sanction. All such complaints shall be reported to the Commission, together with the action taken on them by the Stewards.

**1252.** The Stewards shall take notice of corrupt and fraudulent practices and other infractions of the Laws or Rules of the Commission.

**1253.** Stewards may exclude from all places under their control any person who has been excluded by the appropriate horse racing authority of any other state, territory or country from racing facilities located in such other state, territory or country. Stewards may decline to license, or may suspend any license theretofore granted to, and may exclude, any person who they find has violated any of these rules, provided any such suspension and exclusion shall be for a period not exceeding the license year and may fine any such licensee any amount up to and including \$2,500. All fines shall be paid to the Commission. If the Stewards are of the opinion that the violation or violations involved warrant greater punishment, they shall so report to the Commission. The Stewards shall make daily reports in writing to the Commission of the rulings.

**1254.** When any licensee, horse or stable is suspended by the Stewards such suspension shall immediately become effective on all other tracks under the jurisdiction of the Commission until such time as the case in question is decided upon by the Commission. The license of anyone ruled off of any Arkansas track for fraud or fraudulent practice, or for violation of any of the rules of racing of the Commission, shall thereby be revoked. When a person is ruled off for any fraudulent practice in relation to a particular horse wholly or partly belonging to him, he shall return all, money or prizes which such horse has fraudulently won. Fines must be paid within forty-eight hours. Delinquents may be summarily suspended. All moneys imposed as fines shall be collected by the Racing Commission. An unpaid fine may not be rescinded by the Stewards except with the approval of the Commission.

**1255.** No racing official other than a Steward or Official Starter shall have the right to impose a fine or suspension.

**1256.** Any persons, firms, associations or corporation penalized or disciplined under the Law, or under these Rules, or who is otherwise aggrieved by any action, proceeding or decision

of a Racing Official or franchise holder licensed by the Commission, may appeal to the Commission for a review of such action, proceeding or decision by requesting a hearing before the Commission, which may take whatever action it deems appropriate.

**1257.** Appeals to the Commission must be filed in writing at the office of the Commission within three days after the date of said action, proceeding or imposition of said discipline or penalty.

**1258.** Appeals to the Commission shall be signed by the person making it and must set forth his reasons for believing he is entitled to a hearing.

**1259.** All papers filed with the Commission shall be the property of the Commission.

**1260.** An appeal from any action, proceeding or decision of a Racing Official or franchise holder shall not serve to stay or otherwise affect such action, proceeding or decision until the appeal has been acted upon by the Commission, unless otherwise ordered by the Commission or by a Court of competent jurisdiction.

(A) An appeal from any action, proceeding or decision of a Racing Official or franchise holder, hearings on misconduct of jockeys, owners or trainers, applications for franchises, licenses or dates to conduct racing meets, and similar matters shall be heard by the Commission at an informal hearing on not less than twenty-four (24) hours' notice, minutes of said hearings shall be kept by the Commission, which minutes need not be verbatim.

(B) All other hearings conducted by the Commission shall be formal hearings and governed by the following practices and procedures:

(1) Pleadings. Pleadings before the Commission shall be by application or complaint, answer, motion and reply. All pleadings shall be typewritten and unless otherwise required by law, filed in duplicate with one additional copy mailed to each member of the Commission at his address of record.

(2) Transcript. The proceedings shall be reported and transcribed by a qualified court reporter. However, a transcript of the proceedings shall be made at the expense of the Commission only if directed by the Chairman or any two Commission members. Minutes of the proceedings shall be maintained by the Commission which minutes need not be verbatim.

(3) Notice. Except as otherwise provided by law, not less than twenty-four (24) hours' notice of the proceedings shall be served upon the applicant, all other parties and such persons that have requested notice of the proceedings in writing, which request shall be directed to the Chairman of the Commission.

(C) Formal and informal hearings shall be governed by the following practice and procedures:

(1) **Attorneys.** Any person or party affected by the proceedings shall be entitled to represent himself or be represented by an attorney at law to be retained at his expense; provided, however, the Chairman may prohibit an attorney from practicing before the Commission on a showing that such attorney has personally engaged in conduct in violation of the laws of the State of Arkansas pertaining to thoroughbred horse racing or rules of the Commission.

(2) **Service of Complaint and Notice.** Service of all notices and complaints shall be accomplished by sending such person, or his agent for service, the complaint or notice by certified or registered United States mail addressed to the recipient with return receipt requested, or by service by an officer authorized to serve process. A proof of service shall be filed with the Commission.

(3) **Depositions.** Upon application to the Chairman, the Chairman may cause depositions of witnesses to be taken in such manner as he may direct.

(4) **Public Hearings.** All hearings before the Commission shall be open to the public.

(5) **Subpoena.** Any party to a hearing before this Commission, including an applicant, may on written motion to the Chairman, and the Commission, its attorney or any Commissioner, may on written or oral motion to the Chairman, request the issuance of a subpoena, both ad testificandum and duces tecum, for any witness to appear before the Commission. Upon receiving the request, the Chairman shall issue the requested subpoena directed to the Sheriff on the County of the witness' residence or any other officer authorized by the law to serve process, requiring him to summon the person named therein to attend at a particular time and place to testify as a witness. It may, when the Chairman so directs, require the witness to bring with him any book, writing paper, document, tape, record, or other thing under his control. The subpoena shall be served and the return made, provided by law for the Circuit Courts of this state. Any witness subpoenaed shall attend and give evidence until the matter before the Commission is decided or such witness is discharged by the Chairman. The failure to appear and be sworn shall be punished as provided by law.

In any case not provided for by this rule with regard to the issuance of subpoenas, the law of Arkansas with regard to subpoenas issued by the Circuit Courts of this state shall apply.

(6) **Conduct of Hearing.** The Chairman shall have the power to preserve and enforce order during any proceeding before the Commission, to administer oaths, to rule upon all questions arising during the course of the hearing, to hold conferences before and during the hearing for the settlement or simplification of issues, to make or recommend decisions, to compel the attendance and testimony of the witness, to require the production of books, papers, documents and other evidence and generally to regulate and guide the course of the pending proceeding. In the absence of the Chairman, a majority of the remaining members

of the Commission may select one of their number to act as Chairman and the acting Chairman shall thereupon be authorized to discharge the duties of Chairman. Except as otherwise provided by law for the conduct of hearings by the Arkansas Racing Commission, the hearings shall be conducted as prescribed for adjudication and rule making under the Arkansas Administrative Procedure Act.

(7) **Appearance.** Unless incapacitated, a person placing a claim or defending a privilege before the Commission shall appear in person and may not be excused from answering questions directed by the Commission or its attorney and supplying information thereto.

(8) **Consolidation of Issues.** Hearings involving several applicants or complaints having a common issue may be joined and heard together at the discretion of the Commission.

(9) **Action by Commission.** All orders, findings of fact, rulings and other formal action taking by the Commission during the course of a hearing, or at the conclusion thereof, shall be in writing and a copy furnished to all parties and persons that have requested notice pursuant to (B) (3) above. Any member of the Commission may submit a minority or supplemental report or dissent. Orders of the Commission and all pleadings and applications shall be maintained on permanent file by the Commission for public inspection.

(10) **Costs.** The Commission may tax appropriate costs to any person or party.

(D) Any person or party shall, upon written application to the Commission be entitled to a formal hearing upon posting a bond for costs thereof. The provisions of this Rule are severable.

### **TRACK VETERINARIAN**

**1261.** Each Association shall have a registered veterinarian licensed to practice under the laws of Arkansas. He shall be on the grounds at pre-post weighing-in time and during all racing hours. No association veterinarian, during his employment by the association, shall be permitted to engage in private veterinary practice involving thoroughbreds racing at Oaklawn Jockey Club; nor be employed by or receive any compensation directly or indirectly from any owner or trainer licensed by the Commission during the current racing meet; nor sell or buy, for himself or another, any thoroughbred; nor place any wager in any manner on any race run at the association; nor sell any drug supplies; nor sell horse insurance; nor be licensed to participate in racing in any other capacity during the course of the meeting.

**1262.** The Track Veterinarian shall, in general, familiarize himself with the racing conditions of all entrants and if, in his opinion, any entrant is not in condition to race he shall notify the Stewards and the Racing Secretary at least one hour before the start of the race of the



day.

**1263.** The Track Veterinarian shall be present in the paddock before each race, and he shall inspect each entrant. If, in his opinion, any entrant is not in condition to complete in the race, he shall immediately notify the Stewards.

**1264.** In EITHER of the aforementioned cases, the Stewards shall determine whether or not the horse automatically goes on the Veterinarian's List. If placed on the Veterinarian's List, the horse shall not be permitted to enter until the Veterinarian notifies the Racing Secretary and the Stewards that the horse is again fit to compete.

**1265.** The Track Veterinarian shall be at attendant to the Stewards and the Racing Secretary at scratch time each day and shall examine such horses as they request, and make a report to the said racing official as promptly as possible.

### **COMMISSION VETERINARIAN**

**1266.** The Commission shall appoint and employ a Commission Veterinarian during the racing meeting. The Commission Veterinarian shall be a Veterinarian licensed to practice under the laws of Arkansas and in good standing. He shall be on the grounds at pre-post weighing-in time and during all racing hours.

**1266(A).** The Arkansas Racing Commission Veterinarian and his assistants are prohibited, except in emergency situations, from practicing veterinary medicine on any horse owned, leased, or otherwise controlled by a licensed owner or trainer at Oaklawn Park. This prohibition applies to all horses, whether they are housed on the track or elsewhere.

**1267.** The Commission Veterinarian, or his assistant, shall obtain saliva and/or body fluids from such horses as are designated by the Stewards, or the Commission and make such examination and tests as from time to time may be required by the said racing officials and Commission.

**1268.** An Official Observer is a designated representative of the Arkansas State Racing Commission and is authorized access and entry to all parts of the grounds of all franchise holders licensed to conduct racing in Arkansas and may perform any duty delegated by the Commission. All Commissioners who have served on the Commission shall be Official Observers.

### **ANIMAL HEALTH**

**1269.** (a) All horses on the grounds of Oaklawn Jockey Club, or any licensed off-track farm, must have a record of a negative official Coggins test conducted at an approved laboratory within the previous twelve (12) months. Proper evidence of this test must be attached to the foal papers, and kept current, and placed on file in the office of the Racing Secretary at Oaklawn. This applies to all horses and is not limited to racing animals.

(b) In addition, all horses which are sold, bartered, traded, given free of charge, offered for sale, or any horses otherwise exchanged for any reason on the grounds of Oaklawn Jockey Club, or a licensed off-track farm, must be accompanied by a record of a negative official Coggins test conducted at an approved laboratory within the previous six (6) months. Both the buyer and the seller are equally and individually responsible for meeting the Coggins testing requirements prior to the effective time of the sale or change of ownership; provided, however, see subsection (c) below with respect to claiming races.

(c) If any horse claimed in a claiming race does not meet the Coggins testing requirements set forth in subsections (a) and (b) above, it shall be the responsibility of the buyer to (1) promptly engage an accredited veterinarian to collect a blood sample from the horse and to have a Coggins test performed on the blood sample at an approved laboratory and (2) file the results of the test with the Racing Secretary and the Racing Commission office within seven (7) days (excluding Sundays and generally recognized holidays) after the date of the claim.

(d) In addition to other potential penalties under applicable law, failure by claimant to comply with the forgoing testing requirements shall be considered a violation of the rule, and claimant shall be subject to penalties as determined by the Commission, including possible suspension or fines up to \$1,000 per day for each subsequent day with which the claimant fails to comply with this rule.

(e) For purposes of this rule an "approved laboratory" means a laboratory which is approved by the USDA and the State Veterinarian to conduct an official test for equine infectious anemia.

### **RULES FOR THOROUGHBRED RACING OFFICIALS & DUTIES**

**2000.** The racing officials of a running Meeting shall include a Clerk on the Scales, a Handicapper, a Paddock Judge, two or more Patrol Judges, three Placing Judges a Racing Secretary, who may also be the Handicapper, a Starter, three Stewards, Commission Clocker, a Track Superintendent, and a Veterinarian, and others as determined pursuant to Rule #1202.

**2001.** One of the Stewards for each race meeting and one Placing Judge shall be named by the Commission. The franchise holder holding the meeting shall name the second and the Commission and the franchise holder together shall name a third. All other officials therein designated shall be appointed by the franchise holder holding the meeting. All the appointments, including the Stewards, are subject to the approval of the Commission, which reserves the right to demand a change of personnel for what it deems good and sufficient reasons, the successor to officials so replaced to be subject to the approval of the Commission. The franchise holder is hereby directed to submit to the Commission the names of the officials ten (10) days prior to the date fixed for any race meeting.

### **CLERK OF THE SCALES**

**2003.** The Clerk of the Scales shall weigh all jockeys out and in.

**2004.** The Clerk of the Scales shall record and publish on the notice Board any overweight or any change of jockey, weight, or racing colors, as compared with those stated on the official program and shall promptly supply all proper racing officials with all pertinent changes.

**2005.** The Clerk of the Scales shall promptly report to the Stewards any infraction of the Rules with respect to weight, weighing, or riding equipment.

**2006.** The Clerk of the Scales shall be responsible for completion of all data required on the Scale Sheet and submit that data to the Racing Secretary after the running of each race.

### **HANDICAPPER**

**2007.** The Handicapper, who maybe the Racing Secretary, shall assign the weights to be carried by each horse in the handicap.

**2008.** The Handicapper shall append to the weights for every handicap the day and hour from each winners will be liable to weight penalty.

**2009.** If there are no penalties, that fact shall be appended to the weights. No alteration of weights shall be made after publication.

**2010.** In case of omission, through error, of the name or weight of a horse duly entered, the omission shall be rectified by the Handicapper.

### **JOCKEY ROOM**

**2011.** It shall be the duty of the Jockey Room Custodian, working under the Steward's supervision, to see to it that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

**2012.** The Custodian shall assist the Clerk of the Scales in any way that official requires.

**2013.** The Custodian shall see to it that no person, other than racing officials, the Commission, and the necessary jockey room attendants, is admitted to the jockey room on a race day without consent of the Stewards for each time of entry.

**2014.** The Custodian shall oversee the care and storage of all racing colors.

**2015.** The Custodian shall oversee the valets and arrange their rotation among jockeys in the matter of weighing out.

**2016.** The Custodian shall see to it that no valet not approved by the franchise holder is permitted to assist any jockey at any time.

**2017.** The Custodian shall report to the Stewards any irregularities that occur in his presence or in the jockey room.

**2018.** The Custodian shall see to it that jockeys are neat in appearance and attired in keeping with the Rules when they leave the rooms to ride in a race.

### **PADDOCK JUDGE**

**2019.** The Paddock Judge shall report any irregularities to the Stewards.

**2020.** It shall be the duty of the Paddock Judge to check all contestants for each and every race, and to have all horses properly identified.

**2021.** The Paddock Judge shall keep a record of all equipment carried by all horses in all races under his jurisdiction and shall permit no change in equipment not authorized by the Stewards.

**2022.** The Paddock Judge shall, in each and every race, require the Plater in attendance in the paddock to see to it that all horses are properly shod.

**2023.** The Paddock Judge may permit a horse to be led to the past upon payment of \$5.00 to the Horsemen's Bookkeeper.

### **PATROL JUDGES**

**2024.** The Patrol Judges shall for each race take their stations at a place designated by the Stewards. They shall be subject to the orders of the Stewards, and they shall duly report to them all of their pertinent observations in each and every race, and shall file reports on same in writing if so requested by the Stewards.

### **PLACING JUDGES**

**2025.** The Placing Judges shall occupy the Placing Judges' stand at the time the horses pass the winning post in each and every race, and their duty shall be to place and record all horses in the order of their finish in each race.

a. The Placing Judges shall properly display the numbers of the first four horses in each race in the order of their finish.

b. When the Placing Judges differ in their placing, the majority shall prevail.

c. The Placing Judges shall make public their decisions as promptly as possible.

d. If it is considered advisable to consult a picture from the finish camera, the Placing Judges shall post without waiting for a picture such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.

e. In determining the places of the horses at the Finish of a race, the Placing Judges shall consider only the relative position of the respective noses of such horses.

f. After, and not until the outrider shall have communicated no-claim/no-protest status to the Stewards, as contemplated by Rule 2363, the Stewards shall notify the Placing Judges when the result is "Official." If the outrider does not communicate no-claim/no-protest status to the Stewards, then after, and not until, the jockeys riding the first five horses to finish have been weighed in, the Clerk of Scales shall so notify the Stewards, and the Stewards shall then notify the Placing Judges when the result is "Official."

g. Upon receipt of such notice, the Placing Judges shall promptly display the sign "Official".

h. There shall be no alteration of placement after the sign "Official" has been purposely displayed.

i. Nothing in these Rules shall be construed to prevent the Placing Judges, with the approval of the Stewards, from correcting an error before the display of the sign "Official", or from recalling the sign "Official" in case it has been displayed through error.

j. It shall be one of the duties of the Placing Judges to see to it that Rules 2318 and 2320 (both inclusive) on the weighing in of jockeys are enforced.

k. The Placing Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to other officials such information in the respect to the racing as the franchise holder may require.

### **RACING SECRETARY**

**2026.** The Racing Secretary shall compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses which are to run in each of the races of the day.

**2027.** The program shall indicate the order in which each race is to be run; the purse conditions and jockey of each horse; each owner's racing colors; the weight assigned to each horse; his name, number and post position, color, sex, age and breeding. The program may show

other pertinent data.

**2028.** The Racing Secretary shall be responsible for the format of the Scale sheet.

**2029.** The Racing Secretary shall receive all entries and declarations, and he or any other person designed by the franchise holder may receive all stakes, forfeits, entrance monies, fees (including Jockey's fee), purchase money in claiming races, and all other money that can properly come into his possession as agent for the franchise holder for which he is acting.

**2030.** The Racing Secretary, or other persons designated by the franchise holder, shall pay over when due all monies collected by them to such persons as may be entitled to receive same.

**2031.** The Racing Secretary shall have the right to inspect any trainer's or jockey's license partnership papers, all papers and documents with respect to a contract between a jockey and his employer, or employers; and papers relating to the appointment of authorized agents, jockey agents, or the adoption of colors or to assumed names.

**2032.** It shall be the duty of the Racing Secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing, and he shall determine all conflicting claims of stable privilege.

### **OFFICIAL STARTER**

**2034.** Only the Official Starter or a deputy approved by him and by the Stewards may start a race.

**2035.** The Official Starter shall give all orders and take all measures necessary to insure a fair start.

**2036.** The Official Starter's decision as to the validity of a start shall be final. Likewise, his decision as to whether or not a horse was locked in the gate shall be final.

**2037.** The Official Starter may appoint his assistants subject to the approval of the Stewards.

**2038.** Horses are in the hands of the Official Starter from the moment they enter the track on the way from the paddock to post. They remain in his hands until off-time.

**2039.** In case the alignment of the horses at the post is delayed, the Official Starter may permit jockeys to dismount and their mounts to be attended.

**2040.** If, after reaching the starting post, a horse is so badly injured as to make it impractical or impossible for him to run in a race, the Official Starter may, in the interest of time

saving, excuse that horse, but must notify the Stewards before he starts the race. Any horse so excused shall to all intents and purposes be considered as excused by the Stewards.

**2041.** Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

**2042.** All flat races shall be started out of a stall gate.

**2049.** The start shall not be unduly delayed on account of bad mannered horses.

**2050.** The Official Starter shall maintain a schooling list, and all horses shall be schooled to barrier or starting gate, if and when required under the personal supervision of himself or his Assistants.

**2051.** Only the Official Starter shall have the authority to designate the horse which shall constitute the schooling list.

**2052.** The Official Starter shall file a copy of the schooling list with the Racing Secretary.

**2053.** The Official Starter shall report to the Racing Secretary as soon as a horse on the list has been schooled sufficiently to be permitted to start.

**2054.** A horse will not be eligible to start until the Official Starter orders the name stricken from his schooling list.

**2055.** The Official Starter may fine or suspend a jockey for disobedience or orders or for attempting an unfair advantage, such fine shall not exceed \$250. A suspension shall not take effect until after the last race of the next day, unless otherwise ordered by the Starter.

**2056.** The Official Starter shall report in writing to the Stewards and to the Racing Secretary all fines and suspensions which he has imposed and no fines or suspensions, so reported, shall be modified other than by the authority of the Stewards.

**2057.** Neither the Official Starter nor his assistants shall mistreat or use abusive language to a jockey.

**2058.** The Official Starter's approval must be obtained of the starting ability for all horses which have never started at a recognized meeting.

**2059.** A false start is void; and the horses shall be started again as soon as practical. Any horse running the course from a false start may be excused from the true race by the Stewards.

**2060.** If a horse is locked in the gate, and/or if the Official Starter excuses a horse from a race he shall, in either or both cases, immediately notify the Stewards who in turn shall immediately notify the Manager of the Pari-Mutuel Department.

### **STEWARDS**

**2061.** The Stewards shall have the power to interpret the Rules and to decide all questions not specifically covered by them.

A. Any person acting as a Steward at Oaklawn Park shall have the following minimum qualifications by December 31, 1993:

#### **I. EXPERIENCE:**

a. At least three years (an average of 75 live race dates per year) of experience as a licensed racing official as defined by the ARCI, (i.e., racing secretary, patrol judge, paddock judge, clerk of scales, starter, placing judge or other racing official as designated by the Commission) ; or

b. At least five year (an average of 100 starts per year) of experience in the pari-mutuel horse racing industry as a licensed trainer, jockey, or driver, with two years (an average of 75 live race dates per year) of experience as a licensed racing official; or

c. At least ten years of experience in the pari-mutuel horse racing industry as a licensed owner, whose experience knowledge, ability and integrity relative to the industry are accepted by the ARCI Steward Accreditation Committee, with two years (an average of 75 live race dates per year) of experience as a licensed racing official; or

d. Be presently employed as a Steward for a length of time in the opinion of the ARCI Steward Accreditations Committee to meet the requirements of a, b or c: or

e. Experience in the horse racing industry of a character and for a length of time sufficient, in the opinion of the ARCI Steward Accreditation Committee, to meet the requirements of a, b, c or d.

#### **II. REQUIREMENTS FOR ATTENDANCE AT ACCREDITED STEWARD SCHOOLS, SEMINARS, AND WRITTEN/ORAL EXAMINATIONS:**

a. Persons with five years (an average of 75 race days per year) of experience as a licensed Steward need only attend a short course (of at least two days or 16 hours) given by an accredited Stewards' school and pass the standard written and oral examinations. Persons meeting these criteria have until December 31, 1994 to attend a short course and pass the written and oral examinations.



b. Persons with less experience than the persons included in Section II (a) above must complete a course of at least seven days or 60 hours and pass the standard written and oral examination.

c. All applicants may take the written and oral examinations in sections. Any person failing any section of the examination may retake said section a maximum of two times without retaking the full exam.

### III. REQUIREMENTS FOR CONTINUING EDUCATION:

a. All accredited Stewards, in order to maintain their accreditation, must attend a continuing education seminar of at least two days of 16 hours given by an accredited Stewards' school at least once every two years.

### IV. ANY PERSON THAT MEETS THE QUALIFICATION STANDARDS FOR EXPERIENCE AND HAS PREVIOUSLY COMPLETED AND PASSED THE WRITTEN OR ORAL EXAMINATION AT A UNIVERSITY OF LOUISVILLE STEWARDS' SCHOOL, OR THE UNIVERSITY OF ARIZONA 1992 LOUISIANA STEWARDS' SCHOOL SHALL RETROACTIVELY RECEIVE ACCREDITATION.

**2062.** In matters pertaining to racing, the orders of the Stewards supersede the orders of the Officers and Directors of the franchise holder.

**2063.** The Stewards shall have power and it shall be their duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms, and other persons attendant on horses during, before and after, races, unless the power and the duty is vested in the Commission.

**2064.** The Commission, their delegated agents, or stewards investigating for violations of law or the Rules & Regulations of the Commission, shall have the power to permit persons authorized by either of them to search the person, or enter and search the stables, rooms, vehicles, or other places within the track enclosure at which a meeting is held, or other tracks or places where horses eligible to race at said race meetings are kept, of all persons licensed by the Commission, and of all employees and agents of any race track operator licensed by said Commission; and of all vendors who are permitted by said race track operator to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in such stables, rooms, vehicles, or other places as aforesaid. Each of such licensees does hereby consent to such search as aforesaid and waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule. Each employee of a licensed operator, in accepting his employment, and each vendor who is permitted to sell and distribute his merchandise within the race track enclosure, does hereby consent to such search as aforesaid and waive and release all claims or possible actions for damages they may have by virtue of any action taken under this

rule.

**2065.** All entries and declarations shall be under the supervision of the Stewards.

**2066.** The Stewards shall have the power to determine all questions arising with reference to entries and racing.

**2067.** All questions pertaining to which their authority extends shall be determined by a majority vote of the Stewards.

**2068.** The Stewards shall have the power to punish for violation of the Rule any person subject to their control, and in their discretion to impose fines or suspensions, or both, for infractions.

**2069.** The Stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide breath or urine samples for analysis. If a licensee declines to provide a sample, or if a sample shows a positive level of any nonprescription, prohibited or illegal drug, or an alcohol concentration greater than 0.050/c, the Stewards may decline to license, or may suspend any license theretofore granted to, and may exclude, any such person for a period not exceeding the licensing year and may fine any such person any amount up to \$2,500.

**2070.** The Stewards may suspend a person or disqualify a horse.

**2071.** The Stewards shall have the power to exclude or eject from all premises and enclosures of the franchise holder any person who is disqualified for corrupt practices on the turf in any country; or so exclude or eject any other improper or objectionable persons.

**2072.** The Stewards may demand proof that a horse is not disqualified in any particular and is not entered or owned, in whole or in part, by a disqualified or ineligible person, or trained, in whole or in part, by a disqualified or ineligible person.

**2073.** If the Stewards deem the proof demanded under Rule 2072 unsatisfactory, they may declare the horse disqualified.

**2074.** The Stewards shall have the power to examine or cause to be examined any horse stabled on or off the grounds of the franchise holder.

**2075.** The three Stewards must be on duty during the race time, which shall mean from one hour before post time for the first race of the day until after the last race of the day has been made official.

**2076.** At least one of the Stewards must be on duty within call of the Racing Secretary

from the time of the opening of overnight entries each morning until after the drawing of post positions.

**2077.** If there is only one Steward present at race time, said Steward shall appoint two other qualified persons to act with him as Steward pro tem.

**2078.** If only two Stewards are present at race time, they shall by agreement appoint a deputy for the absent Steward; but, if unable to reach such an agreement, shall call upon the Racing Secretary to appoint said deputy.

**2079.** If none of the Stewards are present at race time, the Racing Secretary shall appoint three qualified persons, one of whom may be himself, to act as Stewards pro tem.

**2080.** Appointment of any deputy or deputies for a Steward or Stewards shall be reported immediately to the Commission and their approval obtained as soon as practicable.

**2081.** When a vacancy occurs among the racing officials, other than the Stewards, prior to post time of the first race of the day, or when a vacancy occurs after the racing of the day has started, the Stewards shall immediately fill the vacancy. The appointment shall be effective only for the day, unless the franchise holder fails to fill the vacancy on the following days and to notify the Stewards of its action not less than one hour before the post time of the first race of the day.

**2082.** Such appointments shall be reported immediately to the Commission.

**2083.** The Stewards shall take notice of any questionable conduct with or without complaint thereof.

**2084.** The Stewards may substitute a jockey of their selection on any horse.

**2085.** The Stewards may place any horse in the temporary charge of a trainer of their selection.

**2086.** It shall be the duty of the Stewards to see to it that horses arrive at the starting post as nearly as practical at the advertised post time.

**2087.** All horses in every race shall return to the finish area immediately following the race and be held until released by the Stewards.

**2088.** In case of accident or casualty to a horse before off-time, the Stewards may excuse said horse.

**2089.** The Stewards must investigate promptly, and render a decision in every protest and in every complaint properly made to them.

**2090.** The Stewards shall report all protest and complaints to the Commission as soon as received by them, and shall make prompt report to said Commission of their decision.

**2091.** The Stewards shall, before the close of each day, file with the Commission a signed report of any and all infractions of the Rules coming under their observance that day, and shall file with the Commission all rulings on infractions or otherwise, as soon as said rulings are made.

**2092.** During the term of suspension of any jockey, owner, trainer, or other person on any race track under the Commission's jurisdiction, it shall be the duty of the Stewards to see to it that the offender's badge is taken up and that he is refused admission to any part of the course.

**2093.** Except in emergencies, no Steward shall grant permission for a change of horses' equipment after the close of entries for the race in which the changed equipment is to be carried.

**2094.** Whenever the Stewards have reasonable cause to believe that a licensee has committed an act or engaged in conduct in violation of any law or any rule of the Commission, the following procedures will apply:

a. The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the Stewards decide necessary to insure compliance with laws and rules.

b. The licensee shall be summoned to a meeting of the Stewards called for the purpose of investigating suspected or alleged violations by the licensee at which all Stewards shall be present. The licensee may request a continuance for good cause but a continuance shall not stay any intermediate condition, limitation or restriction.

c. The summons given to the licensee shall be in writing and shall give notice of the date, time, place, and purpose of the Stewards' meeting, and shall specify the laws or rules allegedly violated.

d. Every person called to testify before the Stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting; however, such counsel or observer may only participate under such conditions or in such manner as the Stewards direct.

e. If a licensee, after receiving notice of a Stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the Stewards.

f. No announcement of the meeting or of the alleged infraction of laws or rules shall be made until after the Stewards' meeting, when the Stewards shall transmit a signed

written decision to the Commission and to the licensee containing the Stewards' findings and the penalty imposed.

### **METHOD OF TIMING**

**2095.** The Stewards shall determine the official time of each race.

**2096.** When electric timing is used, the timing device will be checked for accuracy at the discretion of the Stewards.

**2097.** The time shall be announced or displayed on the Information Board located in view of the public.

**2098.** A written report of the time of each race shall be made to the Clerk of the Scales for the reports to the Racing Secretary.

### **COMMISSION CLOCKER**

**2099.** The Commission Clocker shall be appointed by the Commission and paid by the franchise holder. The Commission Clocker and his assistants will be responsible for recording official work-outs each day. Official work-outs which are not reported in The Daily Racing Form shall be tabulated by the Commission Clocker and posted for public viewing in a conspicuous place.

**2099-A** (1) A horse shall not be taken on the track for training or a workout except during hours designated by the Association.

(2) The trainer or rider shall identify the horse and distance to be worked to the Official Clocker or his assistant.

(3) A horse which has not started for a period of sixty (60) days or more prior to race day must have an official timed workout within the previous thirty (30) days prior to race day. The workout must have occurred at a pari-mutuel or recognized training facility.

(4) First time starters must have three (3) or more official workouts prior to race day.

(5) The Association may impose more stringent workout requirements.

### **TRACK SUPERINTENDENT**

**2100.** It shall be the duty of the Track Superintendent to supervise the upkeep of the

course in its preparedness for training and racing.

**2101.** The Track Superintendent shall exercise such control over the course as may be necessary to protect its condition and the rights of all parties entitled to its use, and the Track Superintendent shall be responsible for sanitary conditions.

**2102.** It is also the duty of the Track Superintendent to preserve order, enforce decorum, and prevent petty games of chance on the grounds of the franchise holder at such times as a meeting is not in progress. When a meeting is in process, those duties shall fall upon the franchise holder's police force.

### **LICENSES, REGISTRATIONS AND FEES FOR PARTICIPANTS IN RACING**

**2103.** All owners, trainers jockeys, jockey agents, handlers, attendants, employees of a stable, or franchise holder, and all other persons, firms, associations or corporations patronizing or participating in a racing meeting are subject to the Laws of the State of Arkansas and the Rules and the Regulations promulgated by the Commission, and all such persons, firms, associations or corporations shall abide by said Laws and the Rules of the Commission. Further said persons, firms, associations or corporations shall abide by the decisions of the Racing Officials on any and all questions to which their authority extends.

**2104.** All applications for licenses and registrations to participate in racing shall be filed with the Commission on forms supplied by it. No owner shall be eligible to start a horse unless his completed license application is on file in the Commission Office, Oaklawn Jockey-Club, no later than noon on the day of the race.

**2105.** The appropriate fees shall accompany each application for license or registration. Such license or registration shall expire December 31st of the year of issue.

**2106.** No application for a license or registration shall be approved and no license or registration will be issued by the Commission unless satisfactory evidence is first presented that the applicant will participate in the Meeting for which the license or registration is sought.

**2107.** All applications for licenses and for registrations must be approved by the Stewards of the Meeting before any action on the application will be taken by the Commission. Before approving any application for a license or registration, it shall be the duty of the Stewards to ascertain whether the applicant or registrant is qualified as to ability and integrity for the license or registration sought either by oral or written examination.

**2108.** In considering each application for a license, the Stewards of the Meeting or the authorized representatives of the Commission may require the applicant, as well as his endorsers to appear before them and show that said applicant is qualified in every respect to receive their recommendation for the granting of the license.

**2109.** Any person to whom a license has been issued by the Commission may have his license revoked due to corrupt, fraudulent or improper practices or conduct on the part of the licensee. All licenses granted shall be subject to the conditions set forth in the application therefore and the Commission shall have full discretion to suspend or revoke the same for any infraction of the conditions of the application for license and the rules and regulations of the Commission.

**2110.** A. The following persons shall secure a license from the Commission and the annual fee shall be as follows:

Authorized Agent	\$ 5.00*
Jockey	15.00
Jockey-Apprentice	15.00
Jockey Agent	15.00
Owner-Colors	20.00
Trainer	15.00
Assistant Trainer	15.00
Employee (Groom, Misc., Off Track Totalizer employees, Cameramen Mutuel)	3.00
Horseshoers, Blacksmiths, Farriers	3.00
Veterinarian	10.00

\*For each Owner represented

B. Any person employed on the grounds of a franchise holder by the franchise holder, or its lessees, or by any concession licensed or permitted to operate on the grounds of the franchise holder must secure an EMPLOYEE license from the Commission and the issuance of such licenses will begin the week prior to the opening of the racing meet.

C. The following must be registered annually with the Commission and the fee payable for such registration shall be as follows:

Stables Names	\$20.00
Partnership or Corporation	20.00

D. Each Owner, member of a partnership which is licensed as an Owner, stockholder or member of a corporation which is licensed as an Owner, and registrant for stable name shall, simultaneously, with the filing of an application for such license or registration of such stable name, also register the colors used by such Owner, partnership, corporation or stable.

E. Any person to whom a license has been issued by the Commission and whose duties require that such person have access to the stable area shall have a photographic identification on his person at all times while in the area. All other persons must obtain a visitors's pass from the Commission before entering the stable area. Persons failing to have a

photographic identification badges or failing to obtain a visitor's pass before entering the stable area are subject to ejection from the grounds, and/or to fine, suspension or ruling off.

The identification system for licensed personnel shall consist of:

1. A tamper proof badge containing the name of the track; the year of issue; color photograph of the individual to whom issued; his name, his position or occupation; the signature of said individual, the date the badge was issued, and any other pertinent information which the Commission may require.

2. The Commission shall keep a list of the names of the individuals to whom photographic identification badges have been issued, the date of the issue, and the position or occupation of each individual. Replacement for lost or mutilated badge, \$5.00. A Visitor's Pass shall consist of a numbered, laminated badge, with clasp, to be worn in plain view. A log of all persons to whom a Visitor's Pass has been issued shall be maintained by Track Security at the main stable gate.

**2111.** No license shall be issued by the Arkansas State Racing Commission to any person who:

a. Owns operates, or has an interest in any bookmaking, pool selling or other illegal enterprise, or who is or has been connected with or associated with any person engaged in bookmaking, pool selling or other illegal enterprise:

b. has been convicted or found guilty of a crime, excluding minor traffic offenses, except that the said Commission may, in its discretion, grant a license where the applicant has been found guilty of a crime:

c. is unqualified, by experience or otherwise, to perform the duties required of such applicant:

d. has been or is habitually intoxicated; or addicted to drugs:

e. fails to disclose the true ownership or interest in any and all thoroughbred horses as required by said applicants:

f. makes misrepresentations or false statements in his application for a license:

g. is engaged in any activity or practice which is undesirable or detrimental to the best interest of the public and the sport of racing:

h. is under sixteen years of age.



**2112.** All applicants desiring to practice Veterinary medicine in Arkansas, must present their Ark. License Certificate and/or copy of their current year's renewal certificate indicating they hold an ACTIVE LICENSE in ARKANSAS. If the applicant holds a Drug Enforcement Administration Number it must be listed on their application.

a. Every Veterinary License is issued on the condition that the Commission may inform the Ark. Veterinary Board of any irregular conduct involving any licensed Veterinarian that might influence the Veterinary Board in issuing or revoking a license to practice Veterinary medicine.

b. The Commission, on request, shall furnish the Veterinary Board a list of all Veterinarians receiving a license to practice at any Ark. track.

**2113.** The Commission may require the registration of any agreement between participants in racing.

**2114** The Commission and the Stewards may order that any person be tested for illegal drug usage at the time they apply for a license. The Commission and the Stewards may order that any licensee be tested for illegal drugs on a random or for cause basis. Licensees testing positive for illegal drugs are subject to fine, suspension, probation, or revocation of their license. Persons applying for a license who test positive for illegal drugs may, at the discretion of the Commission, be granted a probationary license, if they enroll in a drug treatment or counseling program approved by the Commission. Otherwise, such persons shall not be eligible for licensure.

### **OWNERS AND TRAINERS**

**2117.** Each owner and trainer must obtain a license from the Commission. In the absence of the owner, the trainer will be responsible for obtaining Owner License.

a. The trainer is presumed to know the rules of racing and is responsible for the condition, soundness, and eligibility of the horses he/she enters in a race. The trainer shall conduct his/her business with reasonable care and skill and in a humane manner, and with due regard to the interests of his/her owners and to the safety of employees and of the horses in his/her care.

b. In addition to the responsibilities of Section (a) above, a trainer has the following specific responsibilities:

1. Knowledge of medication status of all horses in his/her care.
2. Guard and protect all horses in his/her care.
3. Make or authorize the making of all entries and scratches of horses

in his/her care.

4. Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.

5. Determine the training regimen of all horses in his/her care.

6. No trainer shall assign any of his/her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

7. No trainer shall assume any of the above responsibilities for a horse not under his/her active care, custody, and supervision.

**2118.** No trainer shall practice his profession except under his own name.

**2119.** The Stewards may permit a trainer to act pending action on his application.

**2120.** A licensed trainer may represent the owner in the matter of entries, declarations, and the employment of jockeys.

**2121.** A trainer shall have his horse in the paddock at the time appointed.

**2122.** A trainer shall attend his horse in the paddock, and shall be present to supervise his saddling, unless he has obtained the permission of a Steward to send another licensed trainer as a substitute.

**2123.** Each trainer shall register with the Racing Secretary all horses in his charge, giving name, color, sex, age, breeding and ownership of each.

a. Each trainer shall register with the Stewards every person in his employ.

b. A trainer shall not have in charge or under his supervision any horse owned, in whole or in part, by a disqualified or ineligible person.

**2124.** It shall be the duty of each franchise holder to see that all owners, authorized agents and trainers are licensed before any thoroughbred horse in which they hold an interest or which they train is allowed to race and it shall also be the duty of each franchise holder to see that the application for license is filed and the prescribed fee is paid to the Commission.

**2125.** No licensed owner or trainer of a stable shall knowingly stable horses whose owner is unlicensed.

**2126.** No owner or trainer shall accept, directly or indirectly, any bribe, gift or gratuity

in any form which might influence the result of any race or which would tend to do so.

**2127.** No owner or trainer shall move or permit to be moved any horse or horses in his care from the grounds of a franchise holder without written permission from the Racing Secretary. A trainer, or owner, shall not enter or start a horse that:

- a. is not in sound racing condition
- b. is a bleeder, unless approved by the Track Veterinarian
- c. has been trachea-tubed
- d. has a temperature above its normal, established as acceptable by the trainer or the attending Veterinarian
- e. has been "nerved" above the ankle
- f. has been given in any manner whatsoever internally, or externally any stimulant, depressant, hypnotic or narcotic drug, or antiseptic, of any kind or description.

**2128.** No person licensed by this Commission shall have in his possession on or about any race track any appliance, electrical, mechanical, or otherwise which could affect the racing condition or speed of a horse.

**2129.** No owner or trainer shall employ a jockey for the purpose of preventing him from riding in any race.

**2130.** Trainer transfers or changes must be approved by the Stewards prior to entry.

**2131.** Each owner shall register with the Racing Secretary each thoroughbred horse owned by him giving the names, color, sex, age, breeding, authorized agent and trainer, weight and characteristic markings, scars and other identification features not above named.

**2132.** Each franchise holder shall keep and maintain during its Meeting the registration papers on each thoroughbred horse which are issued by The Jockey Club of New York. The Track Identifier shall carefully compare the description provided in the aforementioned registration papers in the paddock before post time.

- a. No trainer shall be licensed until he or she presents a certificate of insurance, or other adequate proof, to the Stewards with the trainer's license application, certifying that the trainer has Worker's Compensation Insurance, or other insurance which covers on-the-job injuries sustained by the trainer, the trainer's employees, or family members.

## **PARTNERSHIPS**

**2133.** Each partnership shall be registered with the Commission.

**2134.** Partnership papers shall, among other things, set forth the following:

- a. The name and address of each person having any interest in the thoroughbred horse involved:
- b. The relative proportions of such interest:
- c. To whom the winnings are payable:
- d. In whose name the horse shall run:
- e. With whom the power of entry and declaration rest:
- f. The terms of any contingency, lease or any other arrangement concerning the horse.

All partnership papers must be signed by all of the parties or by their authorized agents.

**2135.** Any alteration in a recorded partnership registration, to be effective, must be reported in writing to the Commission and signed by all the partners.

**2136.** All the parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits, and other obligations.

## **CORPORATE OWNERS**

**2137.** All Corporations having any interest in a thoroughbred horse shall file with the Stewards at the time of filing an application for an owner's license, a statement in duplicate setting forth the names and addresses of all officers, directors and stockholders of said corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not said stock is paid in full, and including the designation of an authorized agent or agents of said corporation. The said statement shall be signed by the president of the corporation, attested to by its secretary and the corporate seal attached. A copy of said statement shall be transmitted promptly to the office of the Commission by the Stewards provided, however, that the Stewards may, in their discretion, and for good cause, waive these requirements if horses are shipped in for Stakes races.

**2138.** Any transfer of stock of such corporation or change in the officers or directors shall be reported in writing to the Stewards at the track within forty-eight (48) hours of such change.

**2139.** Each stockholder owning five percent or more must file an application for an owner's license.

### **AUTHORIZED AGENTS**

**2140.** Each authorized agent must file an application for a license for each owner represented setting forth the agent's authority to act for the owner including any authority the agent may have to collect money from the franchise holder. A copy of the agent's agreement with the owner, if in writing, shall be attached to the application.

**2141.** A copy of the application and written agreement, if any, shall be filed permanently with the Racing Secretary.

**2142.** An Authorized agent may appoint a subagent only when authorized in writing by the owner and written notice of such appointment is given to the Commission.

**2143.** Any changes in the agent's authority must be in writing and filed as above provided.

**2144.** If an agent represents more than one owner, a separate application shall be filed for each owner.

**2145.** The term of the license shall be the calendar year unless the agent's appointment is revoked by the owner or the license is revoked by the Racing Commission.

**2146.** The revocation of an agent's authority shall be filed in writing with the Commission and with the Racing Secretary.

### **STABLE NAMES**

**2147.** A person wishing to race thoroughbred horses under a stable name may do so by registering with the Commission and by paying the fee as required herein.

**2148.** No person can register more than one stable name at the same time, nor can he race under his real name if he has registered a stable name.

**2149.** A stable name may be changed at any time by registering a new name and paying the fee charged for the original registration. A person cannot register as his stable name a name similar to:

- a. one already registered by another person;
- b. one which is the name of another owner;

- c. one which is the name of any prominent person.

**2150.** All registrations of stable names by any recognized Thoroughbred Association and all recognized State Racing Commissions shall be recognized in Arkansas.

**2151.** In applying to race under a stable name the applicant must disclose the identity or identities of the owners associated with the stable. Any partnership or corporation associated with a stable shall comply with the Rules governing partnerships or corporations and the usual fees of such partnerships or corporations shall be paid in addition to the fees for the registration of the name.

**2152.** Changes in identities of owners associated with the stable shall be reported immediately to and approval obtained from the Commission.

**2153.** Any person may abandon a registered stable name at any time after he has given written notice to the Commission and the franchise holder.

**2154.** No trainer of racing horses can register under a stable name.

**2155.** A corporate name shall be considered a stable name for the purposes of these Rules, but the Commission may refuse any corporation the privilege of registering a stable name.

**2156.** No stable name shall be used for advertising purposes.

### **JOCKEYS**

**2157.** No person under 18 years of age will be licensed as an Apprentice Jockey or Jockey, save and except those Apprentice Jockeys and Jockeys under 18 years of age who have previously been licensed.

**2158.** The Stewards may permit a Jockey to ride pending action on his application.

**2159.** Every Jockey shall ride under his legal name.

**2160.** A jockey shall not ride or agree to ride in any race without the consent of the owner or trainer to whom he is under contract.

**2161.** No jockey under contract of employment shall ride for any person other than his contract employer in any race in which a horse runs, which is owned in whole or in part by or trained by his contract employer.

**2162.** In riding a race, a jockey must be neat in appearance. He must wear conventional attire and the racing colors of the owner or owners of the horse he is riding.

**2163.** (a) All jockeys, exercise persons, out riders, and other persons riding horses on the grounds of Oaklawn Park shall at all times while mounted on a horse, wear appropriate protective headgear, and have their chin straps fastened. This rule shall apply from the time the stable area is open in the fall until it is closed in the spring, and shall be enforced by all trainers. The weight of the protective helmet shall not be included in the jockey's weight.

(b) No jockey (including apprentice jockeys) shall be allowed to ride in any race without a safety vest. The safety vest shall provide a minimum shock absorbing protection of five (5), as defined by the British Equestrian Trade Association (BETA). The safety vest shall weigh no more than two (2) pounds and shall not be included in a jockey's weight when weighing out to race. If a jockey fails to wear a safety vest in the running of any race, the jockey's horse shall be disqualified. The Stewards or Commission may levy additional penalties or fines against the jockey or trainer.

**2164.** All jockeys shall faithfully fulfill all engagements in respect to racing.

**2165.** A jockey shall wear a number on his right arm, and it and the saddle cloth number shall correspond to the number of the horse in the official program.

**2166.** Every jockey who is engaged to ride in a race shall report to the scale room on the day of the race at the time required by the Racing Secretary, except that every jockey who has an engagement to ride in a stake race must report in the jockey room not later than one (1) hour before post time of that race. He shall then report his engagements and overweight, if any, and thereafter he shall not leave the jockey room, except to view the races from a point approved by the Stewards or to ride in a race, until all his engagements of the day have been fulfilled.

**2167.** No jockey shall make abet on any race nor accept the promise, or the token, of any bet, with respect to the race in which he is riding, except through or from the owner or trainer of the horse he rides, and then only on that horse.

**2168.** No jockey shall enter the betting area until he has completed his riding engagements for the day.

**2169.**

a. In the absence of a specific contract or special agreement, the following jockey mount fees apply:

PURSE	WINNING MOUNT	SECOND MOUNT	THIRD MOUNT	LOSING MOUNT
\$599 and under	\$33	\$33	\$33	\$33
\$600-699	\$36	\$33	\$33	\$33
\$700-999	10% of win purse	\$33	\$33	\$33
\$1000-1499	10% of win purse	\$33	\$33	\$33
\$1500-1999	10% of win purse	\$35	\$33	\$33
\$2000-3499	10% of win purse	\$45	\$40	\$38



\$3500-4999	10% of win purse	\$55	\$45	\$40
\$5000-9999	10% of win purse	\$65	\$50	\$45
\$10000-14999	10% of win purse	\$5% of place purse	5% of show purse	\$50
\$15000-24999	10% of win purse	5% of place purse	5% of show purse	\$55
\$25000-49999	10% of win purse	5% of place purse	5% of show purse	\$65
\$50000-99999	10% of win purse	5% of place purse	5% of show purse	\$80

\$100000 and up	10% of win purse	5% of place purse	5% of show purse	\$105
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b. If any owner or trainer engages two or more jockeys for the same race the owner or trainer shall be required to pay each of the jockeys whether the jockey rides in the race or not.

c. A jockey fee shall be considered earned when the jockey is weighed out by the Clerk of Scales for that race.

**2170.** The added purse money for Arkansas Breds shall be included as defined above.

a. Purse money shall include all enhancements and supplements from any source, and shall be distributed by the Horsemen's Bookkeeper.

**2171.** The suspension of a jockey for an offense not involving fraud shall begin not later than two racing days after the ruling, unless otherwise ordered by the Stewards.

**2172.** The suspension of a jockey for fraud shall begin immediately after the ruling.

**2173.** A jockey temporarily suspended for ten (10) days or less for a minor riding violation may continue to exercise horses during training hours and may fulfill riding engagements in designated races.

**2174.** Every jockey may have one agent and no more. All engagements to ride, other than those for his contract employer, shall be made by himself, his agent or employer.

**2175.** The franchise holder shall choose the only attendants who will be permitted, within the limits of these Rules, to (a) assist a jockey after weighing out and until he leaves the paddock, and (b) assist a jockey in weighing-in and until he arrives at the hockey room. Such attendants shall be paid for their services by the franchise holder from an assessment collected from the jockeys. A system of rotation of attendants shall be maintained.

### **NAMING OF JOCKEYS**

**2176.** Jockeys shall be named not later than scratch time.

**2177.** Any subsequent change of a jockey must be sanctioned by the Stewards, and must be promptly and publicly posted and announced.

## **JOCKEY AGENT**

- 2178.** Each jockey agent must obtain a license from the Commission.
- 2179.** The Stewards may permit an applicant to act pending decision on his application for license.
- 2180.** Each jockey agent may handle up to two jockeys and one apprentice, but no more.
- 2181.** No jockey agent shall make or assist in the making of an engagement for any rider other than those he is licensed to represent.
- 2182.** If, for good reason, a jockey agent is short of his permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in his license, he must obtain permission from the Stewards and the commission before making any such engagements.
- 2183.** If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the Stewards, the Commission, and the Racing Secretary; and he shall turn over to the Stewards a list of any unfilled engagements he may have made for that rider.
- 2184.** Each jockey agent shall keep, on a form provided by the franchise holder, a record by races of all engagements made by him, or by others, for the jockeys he is handling. This record shall include the day and the hour of making of each engagement, and the calls shall be numbered in the order of their priority whenever more than one is given for any rider in any race. This record must be kept up to date and held ready at all times for inspection by the Stewards or the Racing Secretary.
- 2185.** All rival claims for the services of a rider will be adjudged by the Stewards in the light of the records submitted by the jockey agents.
- 2186.** A jockey agent shall not give to anyone, directly or indirectly, any information or advice, or engage in the practice commonly known as "touting", for the purpose of influencing any person, or that would tend so to do so, in the making of a wager on the result of any race.
- 2187.** Any agent who falsifies his record shall be penalized by the revocation of his license, and any agent so penalized shall be ineligible for another license for a term of twelve months from the day of the revocation.
- 2188.** Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the Stewards that the rival claim arose through honest bona fide error shall be considered a falsification of records.
- 2189.** Jockey agents shall not be allowed in the paddock at any time.

**2190.** Under no circumstances shall jockey Agents be permitted within the saddling enclosure during the period of racing hours; nor shall said agent have access to the jockey quarters at any time nor shall said agents be allowed on the race track proper at the conclusion of any run.

### **JOCKEY APPRENTICES**

**2200.** Any male or female 18 years or older, who has never been previously been licensed as a jockey in any country, and who has been granted an Apprentice Jockey Certificate may claim in all races except handicaps and stakes, the following allowances:

1. Apprentice's allowance shall be as follows:

(a) 10 pounds until he or she has ridden five winners.

(b) 7 pounds until he or she has ridden an additional 35 winners.

(c) If he or she has ridden 40 winners prior to the end of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.

(d) If after riding one full year from the date of his/her fifth winning mount, the apprentice jockey has failed to ride a total of 40 winners from the date of his/her first winning mount, he/she shall continue to ride with a 7 pound weight allowance for one more year from the date of his/her fifth winning mount or until he/she has ridden a total of 40 winners, whichever comes first.

2. An approval board will be established by the stewards and will consist of designated jockeys, trainers, outriders, racing officials and the official starter. To assure that the applicant has successfully satisfied the qualifications and guidelines set forth in this section, an initial apprentice jockey's license may only be issued to an applicant who:

(a) Is at least 18 years of age.

(b) Passes a physical examination, and has minimum 20/20 vision acuity, or corrected as certified by a licensed professional.

(c) Has at least two years experience in various capacities of horsemanship on the backstretch of a racetrack and/or a horse farm, the past one year of which has been as a licensed exercise rider at a recognized pari-mutuel racing facility, or the equivalent. The applicant's employers must verify these experiences.

(d) Has attended the reviewing of the videotapes or movies at the designated area as scheduled by the stewards.

(e) Has observed jockeys and horses loading and breaking from the starting gate, at the start of races under the supervision of the official starter, for at least ten (10) racing days.

(f) Has observed horses changing leads and negotiating turns at the designated patrol judge stands under the supervision of a racing official for at least ten (10) racing days.

(g) Has broken an adequate number of horses out of the starting gate to the satisfaction of the official starter.

(h) Has breezed horses out of the starting gate and from the pole in the company of other horses to create as close to race conditions as possible. The accompanying horses shall be ridden by jockeys designated by the approval board, and at least one other member of the approval board shall be in attendance as an observer.

(i) Shall be familiar with a jockey's responsibilities as defined by the state's rules and regulations, and may be tested in respect to his/her knowledge of a jockey's duties.

A temporary apprentice license may be issued by the stewards upon notification of the recommendation of the approval board.

After riding in an adequate number of races, and when the stewards are satisfied that the applicant has demonstrated competence in his/her abilities to ride in races, a regular apprentice license will then be issued.

3. Under exceptional circumstances, such as inability of an Apprentice to ride because of service in the Armed Forces of the United states, personal injuries in the conduct of his or her duty, restrictions on racing, or other valid reasons which interrupt the allowance period permitted under this Rule, the Commission may extend the term of the Apprentice Allowance and /or such allowance period. The Commission shall take jurisdiction on any applications for extensions in cases where personal injuries in the conduct of his or her duty and restrictions occurring at tracks licensed by the Commission. In order to qualify for an extension of his or her Apprentice Allowance, an Apprentice rider must have been rendered unable to ride for a period of not less than fourteen (14) consecutive days during the period in which he or she was entitled to an apprentice allowance. In the case of inability of an Apprentice to ride because of service in the Armed Forces of the United States, the Commission will take jurisdiction only on an Apprentice Allowance which was executed and filed at time of execution in this State. All other extensions must be acted on by the Commission with which the original Apprentice

Allowance was filed.

APPRENTICE JOCKEY CERTIFICATE

ISSUED BY THE ARKANSAS RACING COMMISSION

10 lbs. - 7 lbs. - 5 lbs. Allowances

Apprentice Name: \_\_\_\_\_ S.S. No.: \_\_\_\_\_

Permanent Address: \_\_\_\_\_  
\_\_\_\_\_

Date and Place of Birth: \_\_\_\_\_

Parent or Guardian (if applicable): \_\_\_\_\_

Permanent Address (of Parent or Guardian): \_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant (Apprentice): \_\_\_\_\_

Date Issued: \_\_\_\_\_ Steward's Approval: \_\_\_\_\_

Notary \_\_\_\_\_

\_\_\_\_\_

Apprentice copy - white  
Steward copy - yellow  
Commission copy - pink

Winning Record on Reverse Side

## APPRENTICE JOCKEY CERTIFICATE (10-7-5 Pound Allowances) - Back

WINNING RECORD - to be presented to CLERK OF SCALES for completion.

Date-Track-Horse

1. _____	21. _____
2. _____	22. _____
3. _____	23. _____
4. _____	24. _____
5. _____	25. _____
6. _____	26. _____
7. _____	27. _____
8. _____	28. _____
9. _____	29. _____
10. _____	30. _____
11. _____	31. _____
12. _____	32. _____
13. _____	33. _____
14. _____	34. _____
15. _____	35. _____
16. _____	36. _____
17. _____	37. _____
18. _____	38. _____
19. _____	39. _____
20. _____	40. _____

The Apprentice Jockey shall be responsible to have their apprentice certificate with them at all times. Prior to riding, the apprentice certificate shall be submitted to the Clerk of Scales at each racing association in which the Apprentice is licensed and riding. And the Apprentice Jockey shall keep an accurate updated record of their first forty (40) winners, to be recorded on the certificate by the presiding Clerk of Scales.

An Apprentice Jockey may claim the following weight allowance in all overnight races except stakes and handicaps:

- a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners,
- b) Seven pound allowance until the apprentice has ridden an additional thirty-five (35) winners; and
- c) If an apprentice has ridden a total of forty (40) winners prior to the end of a period of one year from the date of riding their fifth winner, the apprentice jockey shall have an allowance of five pounds until one year from the date of the fifth winning mount.



d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one more year from the date of the fifth winning mount, or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

The Racing Commission may extend the weight allowance of an Apprentice Jockey when, in the discretion of the Commission, the Apprentice meets the eligibility requirements for time lost from riding as defined by their regulations.

An Apprentice Jockey is subject to the Apprentice Rules of the state in which they are riding, and these rules may vary from state to state, i.e. weight allowances.

The Apprentice acknowledges that he/she understands the terms and conditions of this apprentice certificate.

Jockey's Signature: \_\_\_\_\_

APPRENTICE JOCKEY EXTENSION FORM

APPRENTICE JOCKEY  
EXTENSION FORM

To: THE ARKANSAS STATE RACING COMMISSION Date: \_\_\_\_\_

I hereby request an extension of my apprentice allowance for the following reasons:

\_\_\_\_\_ Physical disablement  
\_\_\_\_\_ Illness  
\_\_\_\_\_ Restriction on racing  
\_\_\_\_\_ Other valid reasons

(Explain) \_\_\_\_\_  
\_\_\_\_\_

My apprentice certificate or contract expires on: \_\_\_\_\_

Racetrack or location of incident: \_\_\_\_\_ Date: \_\_\_\_\_

Name of presiding stewards: \_\_\_\_\_  
\_\_\_\_\_

Name, address and phone number of attending physician at time of incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

Name, address and phone number of physician declaring me fit to resume riding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

(Attached is a letter from my physician verifying above facts)

The total number of calendar days I was unable to ride and eligible for weight allowances are being requested for as an extension in this applications:  
\_\_\_\_\_

Name of contract holder at time of incident: \_\_\_\_\_

Present contract holder, if other than above: \_\_\_\_\_

Apprentice's Signature: \_\_\_\_\_

Note to applicant: No request will be considered without adequate documentation verifying

time lost as defined by state regulation. In cases of injury or illness, a report from your attending physician confirming your inability to ride must be submitted.

**2201.** No race not reported in the Daily Racing Form shall be considered in determining an apprentice jockey's right to the apprentice allowance.

**2202.** A licensed apprentice who loses his or her apprentice allowance for any reason shall obtain a jockey license before being permitted to ride again.

### **ENTRIES**

**2212.** "Entry" shall mean according to the requirements of the test:

a. A horse made eligible to run in a race.

b. Two or more horses, which are entered or run in a race and are coupled because of common ties. However, in stakes, handicaps, and allowances including maiden, maiden special weight races where two or more horses owned by different owners, but trained by the same trainer are entered or run in a race, the horses may run in said race as separate betting interest, if approved by the Racing Secretary. Horses in claiming races with a claiming price of \$20,000 or greater may run as separate betting interest also if approved by the Racing Secretary coordinating with Stewards.

**2213.** A horse shall not be qualified to start in any race unless he has been and continues properly entered therein.

**2214.** For all races, the Racing Secretary is the person authorized to receive entries and declarations.

**2215.** Entries and declarations shall be made in writing and signed by the owner of the horse or by his authorized agent or some person deputed by him, and each franchise holder shall provide blank forms on which entries and declarations are to be made.

**2216.** Entries may be made by telephone or telegraph, but must be confirmed promptly in writing.

**2217.** Any person having a recorded interest in a horse may enter that horse, unless prohibited by the terms of the partnership papers registered with the Commission.

**2218.** Joint subscriptions and entries maybe made by anyone or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

**2219.** When entering a horse for the first time at a Meeting, the owner or trainer shall identify the horse by stating the horse's name, color, sex, and age, and the name of his sire and dam, as registered. This description must be repeated at each entry until the horse's name and descriptions have been published in the official program or the list of entries of a franchise holder. In every entry after that, the name, color, sex and age of a horse shall be sufficient.

**2220.** The Racing Secretary may call upon an owner or trainer for any proof of the eligibility of any entered horse or of any horse offered for entry, and in default of such proof may decline to accept the entry.

**2221.** The entries of any person, or the transfer of any entry, may be refused with or without either notice or reason being given therefor.

**2222.** No horse shall be allowed to enter or start in any flat race unless duly registered and named at the Registry Office of The Jockey Club (New York.).

**2222-A.** No horse shall be allowed to start unless the registration papers are on file with the Racing Secretary and/or Identifier.

**2223.** If a horse's name is changed, his new name shall be registered with The Jockey Club (New York) and his old, as well as his new name, must be given in every entry list until he has run three races, and both names must be printed on the official program for those three races.

**2224.** At the time of entry of a horse starting for the first time, a certificate of registration shall be required by the Racing Secretary.

a. No horse shall be entered or started unless in the care, custody and complete control of the licensed registered trainer. Program trainers are not permitted.

b. No horse shall be permitted to start that has not been fully identified.

c. No horse shall be allowed to race unless it has been lip-tattooed. For good cause, the Stewards or the identifier may waive this requirement if the horse is otherwise properly identified. However, the horse shall be tattooed thereafter within such time as set by the Stewards.

d. Any person attempting to establish the identity of a horse or his ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

**2225.** No horse shall be permitted to enter or to start unless stabled on the grounds of the franchise holder except with the permission of the Racing Secretary.

**2228.** No horse shall be permitted to start whose name and true ownership is not

registered with the Racing Secretary.

**2229.** All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with the Racing Secretary, before the horse shall start, as also shall every change in ownership thereafter during the meeting.

**2230.** No horse may be entered for two races on a single day.

**2231.** To compete in a race, a horse must be eligible at the time of starting that race.

**2232.** A horse shall not be qualified to be entered, or to start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified or ineligible person.

**2233.** If an entry from any disqualified person or a disqualified horse is received such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five (45) minutes before post time for the race; otherwise, any such money shall be paid to the winner.

**2234.** No entry shall be accepted from husband or wife while either is disqualified.

**2235.** No horse on the schooling list shall be qualified to be entered, or to start.

**2236.** No horse on the Steward's official Starter's or Veterinarian's list shall be allowed to be entered, or to start.

**2237.** If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

**2238.** No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the Stewards.

**2239.** In divided races the starters in the separate division shall be determined by the Racing Secretary provided, however, when it is determined that an overnight handicap will be divided, the event must be divided by listing the entries consecutively according to weights assigned, and assigning entries to each division from high weights to low weights. No entry will be permitted to start in one division to the exclusion of a single entry regardless of the type of conditions of any overnight race. However, an entry may be split into each division of the divided race and be treated as separate single entries. All divided races will be considered separate races.

**2240.** Entries in claiming races may be accepted for not more than two horses whether they are owned by the same or different interests. At the time of entry, a preference must be made to the end that each interest may have an entry in each division should the race be divided.

**2241.** In making multiple entries to purse races, trainers and owners must signify a preference.

**2242.** In purse races at least eight horses in entirely different interests must enter and six or more must start or the race may be declared off.

**2243.** The franchise holder shall have the right to withdraw or change any unclosed race.

**2244.** If a race is declared off because of insufficient entries, the franchise holder may split any overnight race which may have closed and cause a new drawing for post positions.

**2245.** An entry in a sweepstakes is a subscription and cannot be withdrawn.

**2246.** A horse shall not be allowed to leave the paddock for a race unless there has been duly paid any stake or entrance money payable in respect to that race.

**2247.** If a horse is excused from the race by the Stewards before off-time, the starting fee shall be refunded.

**2248.** If a horse is locked in the gate and if the conditions of that race include fees of any kind (nominating or starting), such fees, together with the jockey fees, shall be returned to the owner of any horse so prevented from participating in that race. If for any reason a race is not run, said fees shall be returned to the owners.

**2249.** The nominator is liable for the entrance money or stake, and the death of an entered horse or a mistake in his entry (if eligible) shall not release the nominator or transfer from such liability; nor shall the entrance money or stake of an eligible horse to any race which is run off be returnable for the entry's failure to start for any cause.

**2250.** Except in a match race, no entry, subscription, or right of entry under it, shall become void on the death of the nominator or subscribed. Such rights shall follow the horse.

**2251.** Entries shall be closed at an established time. The Racing Secretary, however, may postpone the closing of entries for any day's racing schedule with the approval of the Stewards.

**2252.** The franchise holder, through its Racing Secretary, shall establish the time of closing of entries, subject to the approval of the Racing Commission.

**2253.** In the absence of notice to the contrary, entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the Racing Secretary, who shall make provision therefor. Closing at all other times for sweepstakes shall be

at the office of the franchise holder.

**2254.** Except in overnight races, if the hour for closing of entries or for declarations is not stated it is understood to be midnight at the close of the day specified.

**2255.** Nominations for stake races shall be valid if received or postmarked before midnight on the established day of closing of nominations as printed in the condition of the stakes.

**2256.** If a miscarriage of any nomination or declaration in a stake race is claimed, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or such evidence will not be considered.

**2257.** Entries which have closed shall be compiled without delay by the Racing Secretary and conspicuously posted.

**2258.** The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof. The maximum number of starters shall further be limited by the number of horses which, in the opinion of the Stewards, considering the safety of the horses and riders, can be afforded a fair and equal start. A fully paid entry in a stakes race when denied the opportunity of starting because the number of entries exceed the capacity of the starting gate, and extensions thereof, will be entitled to refund of nomination and/or entry box fee.

a. In handicaps (Stakes and Overnights) preference will be given to high-weights. In Allowance Stakes, if the number of entries exceed the limitations of the starting gate, and extensions thereof, preference will be given to horses that have accumulated the highest earnings, excluding earnings won in restricted races. For the purpose of this preference, a restricted race shall mean (i) a State Bred Race (a race where entries are restricted to horses qualifying under State Breeding programs), (ii) a Sales Restricted Race (a race where entries are restricted by origin of purchase). On restricted stakes races for Arkansas Breds, total earnings in EITHER open or restricted races will determine preference to start.

b. In the event part or all of a purse for a race is sponsored and provided by a party other than the franchise holder, the conditions imposed on the race by the sponsor for the selection of starters and the distribution of that part of the purse provided by the third party for the sponsored race shall supersede any contrary provisions of these rules, if approved by the Ark. State Racing Commission.

**2259.** In a purse twelve (12) horses only will be drawn to compete. (See Preferred List for disposition of excess entries.)

**2260.** Purse distribution will be paid back to fifth place on the following basis: winner 60% - place 20% - show 10% - fourth 6% and fifth 4%; provided, however, in stakes races the

conditions of the race may provide for purse distribution to be paid back to sixth place on the following basis: winner 60%; place 20%; show 10%; fourth 5%; fifth 3%; and sixth 2%.

**2261.** No alterations shall be made in any entry after the closing of entries, but an error may be corrected.

**2262.** The entry of any horse which has been excused from starting on account of sickness or physical disability will not be accepted for forty-eight (48) hours after such excuse.

### **EQUIPMENT CHANGES**

**2265.** Permission for any change of equipment from that which a horse carried in his last previous race, can be obtained only from the Stewards, and must be obtained before the closing of entries for the race in which the horse is to run with changed equipment.

**2266.** Permission for a horse to add blinkers to his equipment or to discontinue the use of them must be approved by the Starter before being granted by the Stewards.

### **DECLARATIONS AND SCRATCHES**

**2267.** No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent or some person deputed by him shall have given due notice in writing to the Racing Secretary.

**2268.** No horse in an overnight race shall be scratched without the approval of the Stewards.

**2269.** For stake races if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

**2270.** The declaration or scratch of a horse out of an engagement is irrevocable.

**2271.** Scratches from stake races will close forty-five (45) minutes before post time.

**2272.** Declarations and scratches from purse races shall be made to the Racing Secretary by the owner, or his authorized agent, or some person deputed by him, before the time stipulated by the regulations of the franchise holder.

**2273.** If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant; otherwise, the declaration shall not be accepted as of the time alleged.

### **POSTPONEMENT AND CANCELLATION OF RACES**



**2274.** If the whole or a part of a racing program is cancelled, any race involved may be rescheduled by the Commission.

**2275.** If a stake race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

**2276.** Public notice shall be given at the earliest practicable time if a published race is declared off.

**2277.** No race which has closed with sufficient entries shall be declared off except by the Stewards in their discretion.

**2278.** The Stewards may postpone a race from one race-day to the next race-day.

### **PREFERRED AND ALSO ELIGIBLE LISTS**

**2279.** The Racing Secretary shall keep a list of all horses excluded from races because of too many entries, and they are to have preference in any race in which they may afterwards be entered in accordance with the regulations, adopted by the Racing Secretary for the Meeting. This shall be known as the preferred list.

**2280.** The Racing Secretary may, in his sole discretion, decide for any Meeting whether or not there shall be an also-eligible list.

**2281.** If more than twelve horses are entered for any purse race, a list of names not to exceed six maybe drawn from the overflow entries and listed as eligible to start, if originally carded horse or horses has been excused from a race, a new drawing shall be taken from all horses on the also eligible list, and their order of eligibility and post positions shall be determined by the sequence in which they are drawn. The owner or trainer of any horse on the also eligible list, shall, if he does not intend to start, so notify the Racing Secretary not later than scratch time.

**2282.** If the entries in a race exceed eighteen and the also-eligible list is being used, then those in excess of eighteen not drawn as eligibles, or also-eligibles, automatically go on the preferred list.

**2283.** If the also-eligible list is not being used, all horses in excess of twelve not so drawn, automatically go on the preferred list.

**2284.** Division of the preferred list with regard to claiming price and/or to distance shall be made in the discretion of the Racing Secretary, but whichever system is adopted, it shall be maintained for the entire Meeting.

**2286.** The name of no horse shall be placed on the preferred list if the owner thereof did

not accept when presented the opportunity of starting.

**2287.** Horses whose names appear in the entries and have an opportunity to start, EXCEPTING HORSES ENTERED IN SWEEPSTAKES, will be given no consideration whatsoever should they be entered for the following day and the race overfill.

**2288.** A copy of the preferred list will be posted each day by 7 a.m., and any claim of error must be made by 12 noon of that same day.

**2289.** In entering horses on the preferred list, a claim of preference must be made at time of entry and noted on the entry or the preference shall be lost, and no claim of error will be considered by the Stewards if the person making the claim has signed an entry not marked in keeping with this Rule.

### **POST POSITION**

**2290.** Post positions shall be determined publicly by lot in the presence of the Racing Secretary or his deputy, one or more Stewards, or their deputies, and at least one trainer licensed by the Commission.

**2291.** Beginning from the inside rail, the horses shall take their positions at the post in keeping with the numerical order resulting from the public drawing.

### **WEIGHT PENALTIES AND ALLOWANCES**

**2292.** Weight penalties are obligatory.

**2293.** Weight allowance is obligatory except by permission of a Steward. Such permission must be obtained at time of entry.

**2294.** Weight allowance, including apprentice allowance, must be claimed at time of entry or prior to the drawing of the races.

**2295.** Said weight allowance shall not be abandoned after the posting of entries except by consent of the Stewards.

**2296.** Penalties and allowance of weight are not cumulative, unless so declared by the conditions of a race.

**2297.** A horse shall start with only the allowance of weight entitled at the time of starting, regardless of the claimed allowance at the time of entry.

**2298.** Horses incurring weight penalties for a race shall not be entitled to any of the weight allowances for that race.

**2299.** Horses not entitled to the first weight allowance in a race shall not be entitled to the second and so on.

**2300.** Omission to claim a weight allowance is not cause of disqualification.

**2301.** Claim of weight allowance to which a horse is not entitled shall not disqualify unless protest is made in writing and lodged with the Stewards at least 60 minutes before post time of the race in question.

**2302.** No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

**2303.** No horse shall be given a weight allowance for failure to finish second or in any lower place in any race.

**2304.** Penalties incurred in steeplechase or hurdle races shall not apply to races on the flat or vice-versa.

**2305.** Allowances due in steeplechase or hurdle race shall not apply to races on the flat or vice-versa.

**2306.** Penalties shall not be invoked nor allowances made in arriving at the weights to be carried in matches, or in private sweepstakes.

**2307.** No horse shall receive allowance of weight, or be relieved of extra weight, for having been beaten in one or more races, provided this Rule shall not prohibit maiden allowances or allowances to horses which have not won within a specified period or which have not won a race of specified value.

**2308.** When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winnings of that race until a winner has been adjudged.

**2309.** Reports, records and statistics as published by The Daily Racing Form, Equibase, or other publications recognized as official by the Stewards shall be considered official in determining eligibility, allowances and penalties, but may be corrected.

**2310.** [deleted]

**2311.** No horse shall incur a weight penalty for a placement from which he is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement, however, shall make a horse ineligible to a race which already has been run.

**2312.** A horse involved in a dead heat for the first place shall be liable to weight penalty for the amount received.

### **WEIGHT, SCALE OF**

**2313.** The following is the scale of weights for age, and shall be carried when not otherwise specified in the condition of the race.

<u>Distance</u>	<u>Age Years</u>	<u>March and April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov. &amp; Dec.</u>
Half Mile	3 years	115	116	117	119	121	123	124	125
	4 years	126	126	126	126	126	126	126	126
	5 & over	126	126	126	126	126	126	126	126
Six Furlongs	3 years	116	119	120	122	123	125	126	127
	4 year	130	130	130	130	130	130	130	130
	5 & over	132	132	132	130	130	130	130	130
One Mile	3 years	109	112	114	116	118	119	120	120
	4 years	128	127	126	126	126	126	126	126
	5 & over	130	129	128	126	126	126	126	126
One Mile and a Quarter	3 years	106	108	112	114	117	118	120	120
	4years 128	127	126	126	126	126	126	126	
	5 & over	130	129	128	126	126	126	126	126
One and a Half Miles	3 years	103	105	107	110	116	118	119	120
	4 years	127	127	126	126	126	126	126	126
	5 & over	130	129	128	126	126	126	126	126
Two Miles	3 years	100	102	104	108	112	114	117	118
	4 years	127	126	126	126	125	125	124	124
	5 & over	130	129	128	126	125	125	124	124
Three Miles	3 years	97	99	100	102	107	108	110	112
	4 years	127	127	127	126	126	126	124	122
	5 & over	130	129	128	126	126	125	124	122

**Footnotes.**

a. In races of intermediate lengths, the weights for the shorter distance shall be carried.

b. In races exclusively for three-years-olds or four year-olds, the weight shall be 126 pounds.

c. Excepting in handicaps, fillies and mares three years old and over shall be allowed five (5) pounds before September 1st, and three (3) pounds thereafter.

d. Except in handicaps, no horse three years old or over shall carry less than 84 pounds.

e. "Welter Weight" is twenty-eight (28) pounds added to weight for age.

### **WEIGHING IN**

**2314.** After a race has been run and after he has pulled up the horse he has ridden, the jockey shall ride promptly to the Finish Line and there dismount, after obtaining permission from the Judges, and present himself to the Clerk of the Scales to be weighed in.

**2315.** If a jockey is prevented from riding his mount to the Finish Line because of an accident or of illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the Stewards from weighing in.

**2316.** Except by permission of the Stewards every jockey must, upon returning to the Finish Line, unsaddle the horse he has ridden, and no person shall touch said horse except by his bridle.

**2317.** No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey's weight, except by permission of the Stewards.

**2318.** No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his weight.

**2319.** No jockey shall, before weighing in, willfully touch any person or thing, other than the equipment that is to be included in his weight.

**2320.** Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out. Thereafter he may hand it to his attendant.

**2321.** In the event a jockey weighs in following the running of the race, more than two (2) pounds short of the weight that the jockey was assigned in the race, the Clerk of Scales shall immediately so notify the Stewards, and the Stewards shall investigate and when warranted take disciplinary action against the individual or individuals responsible for the violation. When warranted, such action shall include disqualification of the horse from receiving what would otherwise be its share of the purse. In the event that a horse is disqualified pursuant to this rule after the declaration of the race as "Official," such disqualification shall not affect the results of

the race for parimutuel wagering purposes or in so far as the payout to patrons is concerned. In the event a jockey weighs in following the running of the race more than two (2) pounds short of the weight that the jockey was assigned in the race and the Clerk of Scales so notifies the Stewards before the declaration of the race as "Official," the jockey's mount shall be disqualified for all purposes, including for purposes of parimutuel wagering and in so far as the payout to patrons is concerned.

**2322.** When a horse is disqualified under Rule 2321 and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer, also shall be disqualified.

**2323.** No jockey shall weigh in at more than two (2) pounds over the weight at which he weighed out, except in so far as said weight may have been affected by the elements.

### **WEIGHING OUT**

**2324.** The specified jockeys shall be weighed out for their respective mounts in each race by the Clerk of the Scales not less than ten (10) minutes before the time fixed for the race. In case of a substitution of riders after the original rider has been weighed out, the substitute rider shall be weighed as promptly as possible and the name of the substitute and his weight publicly announced and posted.

**2325.** A jockey's weight shall include his/her clothing, boots, goggles, saddle and its attachments, etc.

**2326.** None of the following items should be included in a jockey's weight: whip, or a substitute for a whip, protective helmet, head number, bridle, bit, reins or saddle cloth.

**2327.** No bridle shall exceed two (2) pounds in weight, and no whip (or substitute for a whip) shall exceed one (1) in weight unless approved by the Stewards.

**2328.** Seven (7) pounds is the limit of the overweight any horse is allowed to carry.

**2329.** The franchise holder shall provide the only attendants who will be permitted to assist jockeys in weighing out.

### **PADDOCK TO POST**

**2331.** Permission must be obtained from a Steward to exercise a horse between races.

**2332.** When a horse is being so warmed up before entering the paddock, his official program number must be displayed by the rider.

**2333.** In a race each horse shall carry a conspicuous saddlecloth number and a head

number on his off side, corresponding to his number on the official program. In the case of an Entry each horse making up the entry shall carry the same number (head and saddle cloth) with a distinguishing letter. For example, 1.-1A,-1X. In the case of a Field, the horses comprising the Field shall carry an individual number; i.e., 12, 13, 14, 15 and so on.

**2334.** Horses must be in the paddock at least twenty minutes before post time, or at the time appointed by the Stewards.

**2335.** Every horse must be saddled in the paddock.

**2336.** All horses shall parade such a distance as is reasonable and proper in the opinion of the Stewards, unless excused by the Paddock Judge as provided in Rule 2023. If a horse is so excused from parading and is led to the post, he must pass over the same route as that followed by the parade.

**2337.** All horses shall carry their respective weights from paddock to post and during the running of the race.

**2338.** Parading horses shall pass the Stewards' stand in the numerical order of their exhibited number. Only a horse being led by the parade leader, or excused from parading, may parade out of numerical order.

**2339.** In the discretion of the Stewards, parading horses maybe allowed to break out of numerical order after passing from in front of the stands, or may be required to maintain their order until arrival at the post.

**2340.** After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the Stewards or the Starter.

**2341.** In case of accident to a jockey or to his mount or equipment, the Stewards or the Starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

**2342.** If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, returned to the point where the jockey was thrown, and then proceed over the route of the parade to the post.

**2343.** If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock, another jockey obtained, and then ridden over any uncompleted portion of the exact route of the parade to the starting point.

**2344.** If a horse leaves the course while moving from paddock to post, he shall return to the course at the nearest practical point to that which he left the course, and shall complete his parade to the post from the point at which he left the course.



**2345.** No person shall willfully delay the arrival of a horse at the post.

### **POST TO FINISH**

**2347.** When clear, a horse may be taken to any part of the course, but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation which affects the outcome of the race.

**2348.** No horse or jockey shall willfully jostle another horse.

**2349.** During a race, no jockey shall carelessly and/or willfully strike or touch another jockey or another jockey's horse or equipment for the purpose of interfering with that horse or jockey.

**2350.** No jockey shall unnecessarily cause his horse to shorten his stride with a view to complaint.

**2351.** All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

**2352.** If two horses run in one interest in any race, each shall give best effort. The practice of declaring to win with one or the other of such horses will not be allowed.

**2353.** The Stewards shall take cognizance of foul riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, trainer, or owner of the horse interfered with.

**2354.** No owner, trainer, or jockey shall complain frivolously that his horses were crossed or jostled.

**2356.** The time for the first horse to cross the finish line shall be the official time of the race.

### **PROTESTS**

**2357.** A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer, or jockey of a horse engaged in the race over which the protest is made, or by a racing official of the Meeting.

**2358.** A protest involving fraud may be made by any person.

**2359.** A protest, except a claim growing out of happenings in the running of the race, must be made in writing signed by the complainant and filed with the Stewards at least sixty (60) minutes before post time of the race in question. To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the Stewards at least two hours before the programmed post time for the first race of the day on which the protested maiden is scheduled to run.

**2360.** A protest against a horse engaged in a race, and filed with the Stewards not less than sixty (60) minutes before post time, shall receive immediate consideration; and in default of proof within thirty (30) minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

**2361.** To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in this Rule shall affect the Rule for races run at a wrong distance as compared with the official program.

**2362.** To merit consideration, a protest against a horse based on a happening in a race must be made to the Stewards before the placing of the horses for that race has been officially confirmed.

**2363.** Jockeys wishing to claim a foul or otherwise protest a happening in a race must do so by communicating to the outrider as promptly as practical following the running of the race. If the jockey's horse is pulled-up prior to reaching the outrider, the jockey must proceed to the outrider in order to request a claim of foul or protest. The outrider must wait for those horses that pass the outrider before they are pulled up (and for the jockeys on horses pulled up prior to reaching the outrider to have had the opportunity to communicate a foul or protest claim to the outrider), before communicating a no-claim/no-protest status to the Stewards. If for any reason the outrider is unable to communicate to the Stewards, the Stewards shall not declare the race "Official" until the jockeys riding the first five horses to finish shall have weighed in. Any jockey who has requested to register a claim of foul or protest also must contact the Stewards promptly upon dismounting. If the outrider is not confident regarding the decision to permit the quick official, the outrider shall so notify the Stewards and request a hold, and in such event the race shall not be declared "Official" by the Stewards until after either (i) the outrider shall have subsequently released the hold and notified the Stewards of no-claim/no-protest status or (ii) the jockeys riding the first five horses to finish have been weighed in.

**2364.** A person or persons lodging a protest must pay all the costs and expenses incurred in determining the objection unless his objection is upheld, in which case the cost shall be paid by the offender.

**2365.** Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be paid to and held by the Racing Secretary until the protest is determined.

**2366.** If a protest (except for foul riding) against a horse which has won or has been placed is sustained by the Stewards, the horse shall be assigned to last position in the race, and the other horses in the race shall be advanced accordingly in the order of their finish.

The Stewards are vested with the power to determine the extent of the disqualification in case of fouls. They may place the offending horse behind such horses, as in their judgement it interfered with, or they may place it last.

**2367.** In the case of a disqualification, the Stewards shall immediately make public the reason for the disqualification, and the same shall be announced over the public address system.

**2368.** A protest may not be withdrawn without permission of the Stewards.

**2369.** No person shall make frivolous protests.

**2370.** The Stewards shall keep a record of all protests and complaints, and of any action taken thereon; and shall report both daily to the Commission.

**2371.** If a horse be disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest or trained by the same trainer may also be disqualified.

### **WINNINGS**

**2373.** The value of a race to a winner shall be computed by deducting from the sum total of the prize money (a) the amount of the winner's fees, (b) the money payable to other horses or persons, (except jockey's fees) thus arriving at net money winnings.

**2374.** Winnings shall include all net monies won in all countries, up to the time appointed for the start, including walkovers and forfeits but not second and third money nor the value of a prize not in money.

**2375.** Winnings during a year shall be reckoned from January 1st of that year.

**2376.** Winner or non-winner of a specified sum means winner or nonwinner of a single race of that value to the winner, unless otherwise stated.

**2377.** In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series, or that part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained, it shall be added to the race which determines the extra amount.

**2378.** Foreign winnings shall be estimated on the basis of the normal rate of exchange

prevailing on the day of the winnings.

**2379.** All franchise racing holders, owners, trainers, jockeys, agents, grooms, platers, and all licensees are deemed to accept the conditions under which franchise holder conducts the race meeting. Any person shall, before he terminates or discontinues his employment, engagement or activities under such accepted conditions, give at least seven (7) days notice in writing of his intention to terminate or discontinue his employment, engagement or activities. The Commission may, upon notice to all parties of interest, conduct a hearing or hearings with respect to any termination or discontinuance of employment, engagement or activities and if the Commission shall find that the cause for said termination or discontinuance of employment, engagement or activities under such accepted conditions is unreasonable or unlawful or contrary to the rules, regulations and conditions of the Commission, or the statutes of the State of Arkansas, or in bad faith or detrimental to the public interest or against the best interest of racing, or if the Commission shall find that the licensee or said persons have failed to give the required written notice herein provided, or in any other manner violated these rules, it may, in its discretion, revoke, cancel, withdraw or suspend the licenses of any such trainer, jockey, agent, groom, plater, and other licensee, or may forever prohibit said person or persons from engaging in any activities at any race track in State of Arkansas, or other appropriate disciplinary action.

### **DEAD HEATS**

**2381.** When two or more horses run a dead heat, the dead heat shall not be run off.

**2382.** The owners of the horses in a dead heat shall divide equally the purse money involved.

**2383.** If a dead heat is for the first place, each horse shall be considered a winner of the amount received according to the preceding Rule.

**2384.** When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran the dead heat, shall be deemed to have run a dead heat for first place.

**2385.** Owners shall divide equally all monies and other prizes; and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the Stewards.

**2386.** In a dead heat for first place, the winning jockeys shall receive 10% of the winning purse, and in all other cases the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other, or others. Likewise, the owners of the horses involved shall pay their equal share of the jockey's fees.

### **MUTUELS**

**2387.** When two or more horses run in a race, and are coupled because of common ties, they are called an "Entry", and a wager on one of them shall be a wager on all of them.

**2388.** When the individual horses competing in a race exceed the numbering capacity of the Tote, the highest numbered horse within the capacity of the Tote and all horses of a higher number shall be grouped together and called the "Field", and a wager on one of them shall be a wager on all of them.

**2389.** With the approval of the proper officers of the franchise holder, the following rules will apply.

(a) If less than six interests qualify horses to start in a race, the Manager of the Pari-Mutuel Department shall be permitted to prohibit show wagering on that race.

(b) If less than five interests qualify horses to start in a race, the said Manager shall be permitted to prohibit both place and show wagering on that race.

(c) If less than three interests qualify horses to start in a race, and both of the horses qualified are coupled as an Entry, the said Manager shall be permitted to prohibit wagering on that race.

(d) The said Manager may prohibit wagering on any particular horse in any race.

**2390.** Before the wagering starts on each race the morning line showing "Odds" on each horse may be posted on the public board. Entries shall be listed as one horse, and likewise the Field shall be listed as one horse.

**2391.** After wagering has begun on each race and immediately after there is \$1,000 (more or less, depending on circumstances) in the Straight Pool, the "Approximate Odds" on each horse must be computed at each cycle of the Tote Board. Said "Approximate Odds" shall agree with the amount wagered on each horse in the Straight Pool. There shall be a minimum of four sets (and more under proper circumstances) of "Approximate Odds" posted during the wagering on each race. These "Odds", however, are approximate and not the exact figures used in the payoff.

**2392.** Wagering shall cease not later than off-time, and no tickets shall be sold after the totalizer has been locked or wagering ceased.

**2393.** If, for any reason other than power failure or accidental locking, the Pari-Mutuel ticket issuing machines are closed during the wagering on a race, and before off-time, they shall remain closed until after the race. Wagering shall cease on that race, and the pay-off for that race shall be computed on the sums then wagered in each pool.

**2394.** If a horse or horses are locked in the gate, the proper racing official shall promptly notify the Manager of the Pari-Mutuel Department of the name and number of said horse or horses.

**2395.** At the end of each race, the Placing Judges shall advise the Manager of the Pari-Mutuel Department of the official placement of the horses; and no pay-off shall be made until the receipt of such notice.

**2396.** Whenever the Tote Board fails mechanically, and is obviously unreliable as to the amounts wagered, the pay-off shall be computed on the sums then wagered in each pool as shown by the recapitulation of the sales registered by each ticket issuing machine.

**2397.** If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off, irrespective of the error on the public board. If, because of mechanical failure, it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and corrections.

**2398.** In the event of an irreparable breakdown of the Totalizer, or the ticket issuing machines, or both, during the wagering on a race, the wagering for that race shall be declared closed. The pay-off for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

**2399.** In all cases when a horse has been excused by the Stewards after wagering has started, but before off-time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

**2400.** If a horse is left at the post at off-time, there shall be no refund; but if one horse or more is prevented from leaving the post at off-time because of being locked in the gate, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

**2401.** If no horse finishes in a race, all money wagered on that race shall be refunded.

**2402.** If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate.

**2403.** If a jockey weighs in more than two (2) pounds short of the weight that the jockey was assigned in the race, and his mount is disqualified by the Stewards in consequence of short weight prior to the declaration of the race as "Official," all moneys wagered on said horse shall be deducted from the pool and refunded. If a jockey weighs in more than two (2) pounds short of the weight that the jockey was assigned in the race, and his mount is disqualified by the Stewards in consequence of short weight after the results of the race have been declared

"Official," the moneys wagered on said horse shall not be deducted from the pool or refunded and such disqualification shall not affect the results of the race for parimutuel wagering purposes or in so far as the pay out to patrons is concerned.

**2404.** In the case of a Entry, if one of the jockeys riding the Entry weighs in short of weight by more than two (2) pounds, and his mount is disqualified by the Stewards in consequence of short weight prior to the result of the race being declared "Official," no refund shall be made unless the other portion of the Entry also is disqualified by the Stewards for short weight prior to the result of the race being declared "Official," in which case all moneys wagered on the Entry so disqualified prior to the results of the race being declared "Official" shall be deducted from the pool and refunded. This rule applies with equal effect to the Field. See Rule 2321 and 2403 in the event a jockey weighs in short of weight by more than two (2) pounds after the results of the race have been declared "Official." Such resulting disqualification of the mount (after the results of the race have been declared "Official") shall not affect the results of the race for parimutuel wagering purposes or in so far as the payout to patrons is concerned.

**2405.** In the case of a race postponed beyond the day originally scheduled, as provided for in Rule 1132, all money wagered on said race shall be refunded.

**2406.** If a race is declared off by the Stewards after wagering begins on that race, all money wagered on that race shall be refunded.

**2407.** If a horse wins and there is no money wagered on him to win, the Straight Pool shall be apportioned among the holders of the place tickets on that horse; if any; otherwise, among holders of the show tickets.

**2408.** If no money has been wagered to place on a horse which is placed first or second in a race, the Place Pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

**2409.** If no money has been wagered to show on a horse which is placed first, second or third in a race, the Show Pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that place.

**2410.** If only one horse finishes in a race, the Place and Show Pools shall be apportioned among the holders of place and show tickets on that horse.

**2411.** If only two horses finish in a race, the Show Pool shall be apportioned among the holders of show tickets on those two horses.

**2412.** Any ruling of the Stewards with regard to the reward of purse money made after the sign "Official" has been purposely displayed by the Placing Judges shall have no bearing on the mutuel payoff.

**2413.** Whenever there is a difference in any pool or pools; i.e., a difference between the

sum total of the wagers on the individual horses as compared with the grand total as shown by the Tote Board, the larger amount shall be used as the basis for computing the payoff. The said larger amount shall be used as the base on which the commissions are computed and paid to the franchise holder and to the Commission respectively, except that at race tracks which use equipment such as computers which make it possible to determine immediately the correct amount of money wagered, the correct amount so determined shall be used as the basis for computing the payoff and commissions. In cases where the lesser amount is used, the Commission auditor on duty must be in agreement with the figure used.

**2414.** The Manager of the pari-mutuel department shall furnish a copy of all calculating sheets to the Commission.

**2415.** Payments due on all wagers shall be made in conformity with the well established practice of the pari-mutuel system. Money wagered on winning tickets is returned in full, plus the profits. The practice is to work in dollars and not in the number of tickets. The break permitted by Law is deducted in all of the calculations arriving at the pay-off price; i.e., the odd cents over any multiple of ten cents of winnings per dollar wagered are deducted.

**2416.** Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window. No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed or mutilated beyond identification. Payment of wagers will be made only on presentation of appropriate pari-mutuel tickets.

**2417.** Should and emergency arise in connection with the operation of the pari-mutuel department not covered by these Rules and an immediate decision is necessary, the Manager of the pari-mutuel department shall make the decision. The Manager of the pari-mutuel department shall be properly and timely advised by the Racing Secretary, prior to the beginning of wagering of each race, of the horses that will compete in the race.

**2418.** No minor shall be allowed to wager, and no jockey or driver in colors shall enter the betting area.

**2419.** The minimum payout on all winning wagers shall be equal to the amount wagered plus ten percent (10%) (i.e., the minimum payout on a \$1.00 wager shall be \$1.10, the minimum payout on a \$2.00 wager shall be \$2.20, etc).

#### **STEPS IN CALCULATING THE PAY-OFF IN WIN POOL**

**2420.** A. The commission authorized by Law is deducted from the sum total wagered in the Win Pool. The balance is called the "Net Pool".

B. The amount wagered on the winner is then divided into the "Net Pool".



The quotient thus obtained is the pay-off price on the winner for each dollar wagered, and it includes the dollar wagered, on the winner.

#### **STEPS IN CALCULATING THE PAY-OFF IN A PLACE POOL**

**2421.** A. The commission authorized by Law is deducted from the sum total wagered in the Place Pool. The balance is called the "Net Pool".

B. The sum total of the amount wagered in the Place pool on the horses placed first and second is deducted from the "Net Pool". This gives a remainder which is the profit, or winnings. The said profit is divided into two equal parts; i.e., between those who wagered, in the Place Pool, on the winner and those who wagered on the horse that was placed second.

C. Using the amount wagered in the Place Pool on the winner "to Place" as a divisor and one-half of the profits of the Place Pool (as specified in B) as a dividend, the quotient thus obtained is the profit per dollar wagered in the Place Pool on the winner "to Place".

D. Using the amount wagered in the Place Pool on the horse placed second "to Place" as a divisor and the other half of the profits (as specified in B) as a dividend, the quotient thus obtained is the profit per dollar wagered in the Place Pool on the second horse "to Place".

E. In each of the next above paragraphs C and D, the profit per dollar wagered is the resultant. The sums wagered on the horses placed first and second must be returned, therefore add to the quotient the dollar taken out of the "Net Pool" in B. The result is the pay-off for each dollar wagered on horses placed first and second in the Place Pool.

#### **STEPS IN CALCULATING THE PAY-OFF IN A SHOW POOL**

**2422.** A. The commission authorized by Law is deducted from the sum total wagered in the "Show Pool". The balance is called the "Net Pool".

B. The sum total of the amount wagered in the Show Pool on the horses placed first, second and third is deducted from the "Net Pool". This gives a remainder which is the profit, or winnings. The said profit is divided into three equal parts; i.e., among those who wagered, in the Show Pool, on the winner, the second horse and the third horse.

C. Using the amount wagered in the Show Pool on the winner "To Show" as a divisor and one-third of the profits of the Show Pool (as specified in B) as a dividend, the quotient thus obtained is the profit per dollar wagered in the Show Pool on the winner "to Show".

D. Using the amount wagered in the Show Pool on the horse placed second "To Show" as a divisor and one-third of the profits (as specified in B) as a dividend, the quotient thus obtained is the profit per dollar wagered in the Show Pool on the second horse "To Show".

E. Using the amount wagered in the Show Pool on the horse placed third "to Show" as a divisor and one-third of the profits (as specified in B) as a dividend, the quotient thus obtained is the profit per dollar in the Show Pool wagered on the third horse "to Show" .

F. In each of the next above paragraphs C, D, and E, the profit per dollar wagered is the resultant. The sums wagered on the horses placed first, second, and third must be returned, therefore add to the quotient the dollar taken out of the "Net Pool" in B. The result is the pay-off price for each dollar wagered on horses placed first, second, and third in the Show Pool.

### **STEPS IN CALCULATING THE PAY-OFF IN DEAD HEATS**

**2423.** In the case of a Dead Heat in the Straight Pool, the pay-off prices shall be figured as in a Place Pool.

A. In the case of a Dead Heat for second in the Place pool, the winner of the race receives its half share of the profits in that Pool; and each of the two horses that Dead Heat for second receive one-half of the remaining half of the profit.

B. In the case of a Dead Heat for third or "Show" in the Show Pool, the first and second horses each receive a normal one-third of the profits in that Pool; and the two horses that Dead Heat for third each receive one-half of the remaining third of the profits.

C. Where two or more horses racing for one interest, or Field horses participate in Dead Heats, each horse of the Entry or Field is entitled to his proportionate share of the profits in the Pool in which the Dead Heat occurs and the other Pools affected. For example: Where two horses of an Entry or Field "Dead Heat" for Straight, the Straight and Place prices are calculated as Straight Pools, and the Entry is entitled to two-thirds of the profits of the Show Pool.

### **DAILY DOUBLE**

**2424.** A. Two Daily Doubles will be permitted during any single racing program.

B. If no ticket is sold combining the two winners of the Daily Double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the Daily Double and those having tickets including the winner in the last race of the Daily Double in the same manner in which a Place Pool is calculated and distributed.

C. If no ticket is sold including the winner of the first race of the Daily Double, then the entire pool will be paid to the holders of tickets which include the winner of the last race of the Daily Double.

D. Likewise, if no ticket is sold including the winner of the last race of the Daily Double, the entire pool will be paid to the holders of tickets which include the winner of the first race of the Daily Double.

E. If no ticket is sold including a winner of either of the Daily Double, then the pool shall be paid to holders of tickets which include the horses finishing second in the two races of the Daily Double.

F. If no ticket is sold that would require distribution of the Daily Double pool to a winner under the sub-sections (B), (C), (D), and (E) or Rule 2424, the Association shall make a complete and full refund of the Daily Double pool.

G. There shall be a refund of Daily Double wagers in the event of a horse being scratched before the betting on the Daily Double has closed. (This refund to apply only to wagers on the horse scratched.)

H. It is required that a complete tabulation of sale or "take-off" of all combinations of tickets in the Daily Double Pool be made, and a copy of said "take-off" be in the hands of the Commission auditor as soon as practicable.

I. In the event a horse is scratched or excused in the second half of the Daily Double, after the first half is official, all tickets combining the scratched horse shall be paid a price per dollar denomination calculated as follows: The net Daily Double Pool (gross pool less commission) shall be divided by the purchase price of all tickets combining the winner of the first half and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse in the second half. The entire consolation pool (number of eligible tickets times the consolation), shall be deducted from the Daily Double Pool.

J. Before the running of the race comprising the last half of the Daily Double pool, there shall be, displayed in a prominent place, easily visible from the Grand Stand, Club House and Bleachers, the payoff of each combination coupled with the winner of the first half of the Daily Double.

K. In case of a dead heat for winner in the first half of the Daily Double, the payoff of the Daily Double need not be posted until after the running of the second half of the Daily Double, owing to the complicated calculations involved. However, announcement of this fact must be made over loudspeaker and notice to this effect be posted on board at conclusion of first half of Daily Double.

L. If a dead heat should result in either the first or second race of the Daily Double, the total pool is figured as a Place Pool.

### **EXACTA WAGERING**

**2424.1 Exacta pool.** The exacta pool is a contract by the purchaser of 1 ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(a) The exacta is not a "parlay" and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(b) If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(c) If no ticket is sold that would require distribution of a exacta pool to winner as above defined, the association shall make a complete and full refund of exacta pool.

(d) In case of a dead heat between two (2) horses for first place, the net exacta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combinations. In case of a dead heat between two (2) horses for second place, the exacta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(e) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat the exacta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(f) In the event of any entry finishing first and second, the net exacta pool shall be distributed to holders of tickets selecting the entry to win combined with the horse finishing third.

### **MINUS POOL**

**2425.** In the event of a Minus Pool, the deficiency shall be absorbed by the breaks accruing for that day. In the event the breaks accruing for that day are not sufficient to absorb such minus pool, the remaining deficiency will be borne solely by the franchise holder.

### **CLAIMING**

**2426.** In Claiming Races on the flat, any horse is subject to claim by any owner in good standing or by a person who has been issued a "claiming authorization".

CLAIMING AUTHORIZATION:

a) The board or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

1. meets all requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing;

2. has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

3. has at least the amount of the claim on depositor credited with the horsemen's bookkeeper.

b) The claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

c) The same fee charged for an owner's license shall be payable to the Board by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

d) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

e) A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

**2427.** A claim maybe made by an authorized agent, but agent may claim only for the account of those for whom he is licensed as agent.

**2428.** No person shall claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account.

**2429.** No person shall claim more than one horse from any one race.

**2430.** When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

**2431.** The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

**2432.** Each claim shall be made in writing on a form supplied by the franchise holder. It shall be properly signed and enclosed in an envelope provided for the purpose by the Racing Secretary. The envelope shall have no identification mark on it, but it shall be marked with the number of the race. It shall be sealed and deposited in a locked box provided for this purpose by the Racing Secretary.

**2433.** No money or its equivalent shall be put in the claiming box. For a claim to be valid the person making the claim must have a credit balance in his account with the franchise holder's horseman's account of not less than the amount of the claim.

All claims shall be deposited in the claiming box at least fifteen (15) minutes before the established post time of the race out of which the claim is made.

**2434.** Claims are irrevocable.

**2435.** When claiming time has expired, the claiming box shall be delivered to the Stewards by the Racing Secretary, or his deputy. The Stewards shall open the box, and thereafter all claims are in their possession. The claiming box shall be available in the office of the Racing Secretary each racing day until fifteen (15) minutes before scheduled post time of each race. Whereafter, the claiming box shall be available in the possession of the Racing Secretary, or his deputy, in the judges' stand.

**2436.** The Stewards or their Deputy, shall open the claim envelope for each race as soon as, but not until, the horses for said race enter the track on the way from paddock to post; and immediately thereafter check with the Racing Secretary to ascertain whether or not the proper credit balance has been established with the franchise holder.

**2437.** The Stewards may, at any time, in their discretion, require any person filing a claim to make affidavit in writing that he is claiming in accordance with the Rules.

**2438.** Claims which are made not in keeping with the Rules shall be void.

**2439.** A claimed horse shall run in the interest and for the account of the owner from whom claimed.

**2440.** Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

**2441.** Any horse that has been claimed shall, after the race has been run, be taken to the

paddock for delivery to the claimant. Provided if a urine or other test is to be made, the horse shall be taken to the test barn and the test made immediately. Thereafter, possession of the horse shall be delivered to the claimant.

**2442.** A horse claimed shall not be delivered by the -original owner to the successful claimant until written authorization is given by the Racing Secretary.

**2443.** No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race.

**2444.** If more than one claim is filed for the same horse, the title to the horse shall be determined by lot under the direction and supervision of one or more of the Stewards.

**2445.** For a period of 30 days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that the horse may start on the 31st calendar day following the claim, for any claiming price.

**2446.** No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to any one within thirty (30) days after the day claimed except in another claiming race. Provided further that when a horse is claimed at a recognized meeting under rules which are at variance with this rule, title to such horse shall be recognized in Arkansas to follow the rule of the meeting under which it was claimed.

**2447.** No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

**2448.** A horse claimed at a recognized meeting under rules which are at variance with those of Arkansas shall, while racing in Arkansas, pay the penalties imposed on claimed horses by the Arkansas Rules; and shall pay any additional penalty imposed by the rules under which it was claimed.

**2449.** The engagements of a claimed horse pass automatically with the horse to the claimant. Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

**2450.** The holder of a claim, whether it be a mortgage, bill of sale or lien of any kind against a horse, shall be required to file the same with the Racing Secretary previous to the time the horse is entered. Failure to do so shall forfeit his rights in the winnings of the horse previous to the time his claim is properly filed.

**2451.** No person shall enter a horse in a claiming race without disclosing its true

ownership.

**2453.** An allegation of ownership of a horse entered in a claiming race will not be considered after closing time for claims on that race.

**2454.** No person shall offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race.

**2455.** No person shall attempt by intimidation to prevent any one from running a horse in any claiming race for which it is entered.

**2456.** No owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

**2457.** Any horse claimed at Oaklawn Jockey Club will not be eligible to start at any other track until the current Oaklawn meeting is closed, unless approved by the Stewards.

**2460            OAKLAWN JOCKEY CLUB CLASSIX RULES**

(A)    The Classix pari-mutuel pool is not a parlay and has no connection with or relation to any other parimutuel pool conducted by Oaklawn, nor to any win, place and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

(B)    The Clasix pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by Oaklawn. Each person purchasing a Classix ticket shall designate the winning horse in each of the six races comprising the Classix.

(C)    Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the Classix shall race as a single wagering interest for the purpose of the Classix pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry or the field selection shall remain as the designated selection to win that race for the Classix calculation and the selection shall not be deemed a scratch.

(D)    The Classix pari-mutuel pool shall be handled as follows:

(1)    The net amount in the Classix pari-mutuel pool will be divided into the Major Share (75%) and the Minor (Consolation) Share (25%).

(a)    The Major Share (75%) will be distributed among holders of Classix tickets which correctly designate the official winner in each of the six races comprising the Classix.

(b)    The Minor Share (25%) will be distributed among the



holders of Classix tickets which correctly designate the most official winners, but fewer than six, of the six races comprising the Classix.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the Classix, the Major Share (75%) shall not be distributed but shall be carried over to the next racing day and be added to the Major Share for distribution among holders of Classix tickets which correctly designate the official winner in each of the six races comprising the Classix.

(3) The management of Oaklawn reserves the right to cancel (terminate) Classix wagering. Public notice must be given at least seventy-two (72) hours prior to the date of cancellation (termination).

(4) Should no distribution be made pursuant to subsection (D) (1) (a) on the last day of Oaklawn's meeting in which Classix wagering is offered (held), then that portion of the distributable pool and all monies accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the Classix for that day.

(E) In the event a Classix pari-mutuel ticket designates a selection in any one or more of the races comprising the Classix and that selection is scratched, excused or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(F) In the event of a dead heat for win between two or more horses in any Classix race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(G) No Classix shall be refunded except when all six legs are cancelled or declared as "No Contest". The refund shall apply only to the Classix pool established on that racing card. Any net pool carryover accrued from a previous Classix feature shall be further carried over to the next scheduled Classix feature operated by Oaklawn.

In the event that any number of races less six comprising the Classix are completed, one hundred percent (100%) of the net pool for the Classix shall be distributed among holders of pari-mutuel tickets that designate the most winners in the completed races. No carryover from a previous day shall be added to the Classix pool in which less than six races have been completed. Any net pool carryover accrued from a previous Classix feature shall be further carried over to the next scheduled Classix pool operated by Oaklawn.

(H) No parimutuel ticket for the Classix pool shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the six races comprising the Classix, except for such refunds on Classix tickets as required by these rules, and no person shall

disclose the number of tickets sold in the Classix pool or the number or amount of tickets sold in the Classix pool or the number or amount of tickets selecting winners of the Classix races until such time as the stewards have determined the last race comprising the Classix each day to be official.

(I) A Classix pari-mutuel ticket shall constitute a binding contract between the holder of the ticket and Oaklawn, and said ticket shall constitute an acceptance of the Classix Rules.

### **PICK-3 WAGERING**

#### **2461.**

a. The Pick-3 parimutuel pool is not a parlay and has no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator board, nor to the rules governing the distribution of such other pools.

b. A valid Pick-3 ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of Pick-3 provisions and rules.

c. The Pick-3 parimutuel pool consists of amounts contributed for a selection for win only in each of three consecutive races designated by the association with prior approval of the Arkansas State Racing Commission. Each person purchasing a Pick-3 ticket shall designate the winning horse in each of the three races comprising the Pick-3.

d. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-3 shall race as a single wagering interest for the purpose of the Pick-3 parimutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-3 calculation, and the selection shall not be deemed a scratch.

e. The net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three races comprising the Pick-3.

f. If no ticket is sold combining the three winners of the Pick-3, the net amount in the parimutuel pool shall be distributed among holders of tickets which include the winners of at least two of the three races comprising the Pick-3.

g. If no ticket is sold combining at least two winners of the Pick-3, the net amount in the parimutuel pool shall be distributed among holders of tickets which include the

winner of any one race comprising the Pick-3.

h. If no ticket is sold that would require distribution of the Pick-3 pool to a winner under this rule, the association shall make a complete and full refund of the Pick-3 pool.

i. If for any reason one of the races comprising the Pick-3 is cancelled, the net amount of the parimutuel pool shall be distributed as provided above in subsections (f), (g) and (h).

j. If for any reason two or more of the races comprising the Pick-3 are cancelled, a full and complete refund will be made of the Pick-3 pool.

k. In the event a Pick-3 ticket designates a selection in any one or more of the races comprising the Pick-3 and that selection is scratched, excused or determined by the Stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and pay offs.

l. In the event of a dead heat for win between two or more horses in any Pick-3 race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

m. No parimutuel ticket for the Pick-3 pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the three races comprising the Pick-3, except for such refunds on Pick-3 tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Pick-3 pool or the number or amount of tickets selecting winners of Pick-3 races until such time as the Stewards have determined the last race comprising the Pick-3 to be official.

### **Trifecta Wager**

#### **2462.**

1. The Trifecta requires selection of the first three finishers, in their exact order for a single race.

2. The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single priced pool to those whose combination finished in correct sequence, as the first three betting interests; if there are no such wagers, then

(b) As a single priced pool to those whose combination included, in

correct sequence, the first two betting interests; if there are no such wagers, then

(c) As a single priced pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on Trifecta wagers for that race.

3. If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

4. If there is a dead heat for first involving:

(a) contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) contestants representing two betting interests, both of the betting interests, irrespective of order, along with the third-place betting interests shall share in a profit split.

5. If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any two of the betting interests involved in the dead heat for second shall share in a profit split.

6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

7. Entries coupled as a single wagering interest, and a field of horses when designated as a single wagering interest are permitted; provided, such a single wagering interest constitute an individual wagering selection and a scratch of any horse which is part of an entry or the field shall not constitute a scratch of the single wagering interest.

8. For Trifecta races, at least six (6) betting interests shall be carded; provided, if only five (5) betting interests are carded, or if scratches occurring after opening the Trifecta pool reduce the field to five (5) betting interests, Trifecta wagering on the race will still be permitted, with permission from the Stewards, but in no event shall Trifecta wagering be allowed on a race with fewer than five (5) betting interests.

### **Quinella Wager**

**2463.**

1. The quinella is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalisator board. All tickets on the quinella will be calculated in a separate pool.

2. All quinella tickets will be for the win and place combination only. When purchasing a quinella ticket two (2) horses are selected, which must finish 1-2 or 2-1. For example, if numbers 3 and 6 are selected they must come in 3 first, and 6 second, or 6 first, and 3 second.

3. Entries or field horses in a race comprising the quinella shall race as single wagering interests for the purpose of mutuel pool calculations and payouts to the public. If, in the event that any part of the entry or the field is a starter, there shall be no refund to persons wagering on such entry or field. In the event any part of an entry or the field finishes first, the order of finish of all other horses making up such entry or field will be disregarded in determining which horse finished second for the purpose of this rule.

4. Should any horse or horses entered in a quinella race be scratched or excused by the stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure of stall doors on the starting gate to open, all tickets including such horse or horses shall be deducted from the quinella pool and money refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

5. Should there be no tickets sold on the winning combination in a quinella race, any and all quinella tickets bearing the number of individual win horse and any and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

6. Should there be no tickets sold on the winning combination in a quinella race and should there be no quinella tickets sold bearing the number of the individual win horse, any and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

7. Should there be no tickets on the winning combination in a quinella race, and should there be no quinella tickets sold bearing the number of the individual place horse, any and all tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

8. Should there be no tickets on the winning combinations in a quinella race, and should there be no quinella tickets sold bearing the number of the individual win horse, and should there be no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "No Contest" and all money in the quinella shall be promptly refunded.

9. Should, after an official start is effected, only one horse finish the quinella

race, the total money is figured as a win pool, with those who have picked that one horse in the race participating in the pool.

10. Should a two horse dead-heat for win result in a quinella race, the two horses involved in the dead-heat shall be the winners of the quinella race.

11. Should a multiple dead-heat for win result in a quinella race, all horses involved in the dead-heat shall be winners of the quinella and payoffs figured accordingly. EXAMPLE: Should numbers 1,3 and 5 dead-heat for win, the winning quinella combinations would be 1-3, 1-5, 3-1, 3-5, 5-1, 5-3. The net pool after deducting the amount wagered on the winning combinations will be equally distributed in payoff calculations on the winning combinations.

12. Should a two horse dead-heat for place result in a quinella race, the total pool is calculated as a place pool.

13. Should a multiple dead-heat for place result in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

### **BingoBet™ WAGER**

#### **2464.**

1. **Summary:** The BingoBet™ is a pari-mutuel wager placed on a bingo-style ticket played through a pari-mutuel system. The BingoBet™ is a single race wager in which runners are selected and placed in eight boxes arranged in a square of three columns and three rows. The middle bog is a free box.

(a) The first column contains the runner numbers selected to finish first (win); the second column contains the runner numbers selected to finish first or second (win or place); the third column contains the runner numbers selected to finish first, second or third (win, place or show).

(b) A wager contains one winning BingoBet™ combination, called a "bingo," for each straight line of boxes (which may include the free middle bog) that matches these finishers either vertically, horizontally, or diagonally.  
binges.

(c) A single wager may contain as many as eight winning

(d) If a wager wins both diagonal binges and no others, forming the shape of the letter "X," an additional Perfect-X pool is paid.

- (e) If a wager wins all eight binges, the Carry-over pool is
- 2. Entering a wager. The customer has the option to:
  - (a) Select a single runner, whose number will randomly appear in at least one of the eight number boxes, and allow the computer to randomly assign runner numbers to the other seven boxes, or
  - (b) Allow the computer to randomly assign runner numbers to all eight boxes.
- 3. Wager amount. The minimum BingoBet™ wager shall be \$1 or a multiple of \$1. Wagers may be restricted to specific denominations.
- 4. Cancellation of wager. Claims for cancellation of a BingoBet™ wager may be made only if the wager does not contain the requested runner number, and only if the claim is made before the customer leaves the window.
- 5. Carry-over pool and Seed Pool Percents. After wagering closes for a BingoBet™ race and commissions have been deducted from the gross pool:
  - (a) An additional percentage of the gross pool may be deducted and added to the Carry-over pool brought forward from previous races;
  - (b) Another percentage of the gross pool may be deducted and added to the Seed pool brought forward from previous races;
  - (c) Another percentage of the gross pool may be deducted and added to the Perfect -X pool brought forward from previous races;
  - (d) The remaining amount is the net Bingo-Bet™ pool.
  - (e) The designated percentages to be deducted may be changed, and shall be posted at least a day in advance of the performance in which the change takes effect.
- 6. Net BingoBet™ Pool Distribution.
  - (a) The net BingoBet™ pool payoffs shall be calculated based on separate winning binges, regardless of whether they appear on a single wager, so that a winning BingoBet™ wager can be paid the sum of the payoffs for several winning binges.
  - (b) Wagers which select enough winning binges to be eligible for distribution of the Carry-over pool, shall not be included in the number of winning binges for the net BingoBet™ pool distribution.

(c) The net BingoBet™ pool shall be divided by the number of \$1 winning binges. The resulting quotient, rounded down in accordance with established pari-mutuel practice, is the payoff for each \$1 winning bingo.

(d) If there are no wagers that win the net BingoBet™ pool, then the net BingoBet™ pool shall be added to the Carry-over pool for distribution as described below.

7. Perfect -X Pool Distribution. The Perfect -X pool shall be distributed among those BingoBet™ wagers which contain both diagonal binges and no others, forming the shape of the letter "X," which includes all four corner boxes and the free middle bog, but none of the other four boxes.

(a) The Perfect -X pool shall be divided by the number of \$1 BingoBet™ wagers which qualify as Perfects winners. The resulting quotient, rounded down in accordance with established pari-mutuel practice, and added to the payoff due for two \$1 winning binges, is the payoff for each such \$1 wager.

(b) If there are no wagers that win the Perfect -X pool, it shall be carried forward to the next corresponding BingoBet™ race.

8. Carry-over Pool Distribution. The Carry-over pool shall be distributed among those BingoBet™ wagers which contain all eight winning binges, i.e. wagers in which all eight boxes contain selections which match the proper finishers, in addition to the free middle box.

(a) The Carry-over pool shall be divided by the number of \$1 BingoBet™ wagers which select all eight winning binges. The resulting quotient, rounded down in accordance with established pari-mutuel practice, is the payoff for each such \$1 wager.

(b) A guaranteed minimum amount may be designated for the Carry-over pool, such that if the Carry-over pool is won before it reaches this minimum, then the guaranteed minimum amount shall be distributed.

(c) If the Carry-over pool is not distributed, it shall be carried forward to the next corresponding BingoBet™ race.

(d) When the Carry-over pool has been won, the Seed pool, if any, shall become the new Carry-over pool for the next BingoBet™ race.

9. Entries and Mutuel Fields. In a contest involving coupled entries and mutuel fields, only the highest placed member of the coupling is included in the order of finish for the BingoBet™. For example, if the actual order of finish is 1/1A/2/3, then the official order of finish for the BingoBet™ is 1/2/3.



10. Dead Heat. If there is a dead heat for first, second or third place in the race, the runners involved in the dead heat shall all be considered as finishing in the position for which there was a dead heat. For example, if runners 1 and 2 are in a dead heat for first, then both 1 and 2 are considered first. If runner 3 came in next, it is still third.

11. Scratches. Should a runner be scratched:

(a) The actual favorite, as evidenced by the amounts bet in the win pool when betting on the race is closed, shall be substituted for that runner; or

(b) If the amount bet in the win pool is identical on two or more favorites, the favorite with the lowest program number shall be substituted for that runner.

12. Refunds. The entire gross BingoBet™ pool for the race shall be refunded if:

(a) Less than seven wagering interests remain live in the race, or

(b) Less than three wagering interests finish the race, or

(c) The race is cancelled or declared "no contest."

### **SUPERFECTA POOL**

#### **2465.**

(1) The Superfecta requires the selection of the first four finishers, in their exact order, for a single race.

(2) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) as a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) as a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) as a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) as a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) the entire pool shall be refunded on Superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(c) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(5) If there is a dead heat for second involving:

(a) contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(b) contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(8) Entries coupled as a single wagering interest, and a field of horses when designated as a single wagering interest are permitted; provided, such a single wagering interest

shall constitute an individual wagering selection and a scratch of any horse which is part of an entry or the field shall not constitute a scratch of the single wagering interest.

(9) In the event that more than one component of a mutuel field or coupled entry finishes within the first four finishing positions, the first member of the field or coupled entry to finish shall determine the position (first, second, third or fourth) of the single betting interest. The net pool shall then be distributed to those whose selection included the mutuel field or coupled entry and each of the other three betting interests in accordance with the priorities otherwise set forth in this Superfecta rule.

(10) For Superfecta races, at least eight (8) betting interests shall be carded; provided if scratches occurring after opening the Superfecta pool reduce the field to seven (7) betting interests, Superfecta wagering on the race shall still be permitted, but in no event shall Superfecta wagering be allowed on a race with fewer than seven (7) betting interests.

### **ACT 12 PURSE AND CONSTRUCTION FUND**

#### **2500.**

A. Pursuant to Act 12 of 1989, ACA 23-110-407 (a) (3) (A) ("Act 12"), the Franchise Holder shall retain three percent (3%) of all moneys wagered on races where the wagerer is required to select one horse, and two percent (2%) of all moneys wagered on races where the wagerer is required to select more than one horse ("Purse and Construction Moneys") which shall be reflected in a separate account on the Franchise Holder's books designated "Purse and Construction Fund Account." The Purse and Construction Fund shall be established and maintained in federally insured financial institutions selected by the Franchise Holder. Such financial institutions shall be located in the State of Arkansas; provided, however, if the Franchise Holder obtains a loan for construction purposes from a financial institution located outside the State of Arkansas, the Purse and Construction Fund may be maintained there as long as the loan is outstanding. All such funds shall be maintained in interest bearing accounts whenever reasonably possible. Purse and Construction Fund Moneys shall be used only for Construction and Purses as provided in Act 12.

B. As specified in Act 12, "construction" includes all items and expenditures incurred in keeping the overall racing facility in the best possible condition for the patrons, horsemen and Franchise Holder, including, without limitation, land acquisition, new construction and reconstruction, renovation, reconditioning and repairing of facilities with related equipment, or for debt service on money borrowed by the Franchise Holder for Construction.

C. The franchise holder shall be solely responsible for planning and accomplishing all Construction and for accountings. Before undertaking any Construction Project estimated to cost \$100,000 or more, the Franchise Holder shall give the Committee (identified in paragraph F hereof) at least fifteen (15) days notice of the proposed Project and its estimated cost, which notice shall contain sufficient information to adequately apprise the Committee of what is being undertaken. If the Committee wants a meeting concerning the proposed project it shall advise the Franchise Holder within the fifteen (15) days. If there is no request for a meeting, the Franchise Holder can proceed with the Project. If there is a request for a meeting, the Franchise Holder can proceed after the meeting in accordance with the action taken by the Committee at the meeting. If the estimated cost of a Project is less than \$100,000, the Franchise Holder can proceed immediately but must notify the Committee within sixty (60) days of the Project and its estimated cost, which notice shall contain sufficient information to adequately apprise the Committee of what is being undertaken. If the Committee wants a meeting concerning the proposed project it shall advise the Franchise Holder within fifteen (15) days after receipt of the notice. If there is no request for a meeting, the Franchise Holder can proceed with the Project. If there is a request for a meeting, the Franchise Holder can proceed after the meeting in accordance with the action taken by the Committee at the meeting.

D. On or before June 1 of each year the Franchise Holder shall file a report with the Committee reflecting the purpose and amounts of expenditures for Construction during the preceding calendar year. The report shall be accompanied by a statement from the Franchise Holder's independent certified public accounting firm that the report accurately reflects the purposes and amounts of Construction expenditures. Also, on or before June 1 of each year the Franchise Holder shall file a report with the Committee specifying the amount of Purse and Construction Moneys used for purses during the preceding calendar year. The Purse and Construction Moneys shall not be subject to the provisions of Limy contract or agreement between the Franchise Holder and any organization representing horsemen, to the end that any contractual obligations for the use of moneys for purses shall not apply to any expenditures for construction out of the Purse and Construction Moneys, and any expenditures for purses out of the Purse and Construction Moneys shall be in addition to contractual purse obligations affecting moneys other than the Purse and Construction Moneys. The Franchise Holder shall determine the amount of the Purse and Construction Moneys to be used for the authorized purposes, except that at least one-half (1/2) of the Purse and Construction Moneys must be used for purses.

E. No expenditures shall be made from the Purse and Construction Fund to any construction company, material supplier or other entity directly involved in an actual construction project in which an officer, director, employee or shareholder of the Franchise Holder or their spouse, children or grandchildren have any type of significant financial interest, or receive significant financial benefits.

F. The Commission shall appoint a three member committee, to include the Director of the Department of Finance & Administration (the "Committee") to examine and to approve or disapprove, in whole or in part, the reports filed by the Franchise Holder pursuant to

paragraph D above. Committee action shall be reported to the full Commission for approval or ratification, but the Franchise Holder may proceed on the basis of any Committee action until it shall be notified that the full Commission has taken contrary action. The Committee may, in its discretion, have an auditor from the Department of Finance & Administration conduct an audit of all deposits and expenditures of Purse and Construction Fund Moneys for any calendar year. In that event, the Franchise Holder shall make available to the auditor all records necessary for the audit.

G. As authorized by Act 12, accountings for expenditures of Purse and Construction Fund Moneys may be based on multi-year periods. Authorized expenditures will be determined on the basis of what is expended during the entire multi-year period and not on what is expended in any one year. For example, if in the first year less is expended for Construction than the Eligible Amount, the unused amount will carry over to the next year and if in that year more is expended than the Eligible Amount plus any carry over, the excess shall be carried forward to the next year and credited against the Franchise Holder's expenditures, and so forth. If money is borrowed, then Purse and Construction Moneys may be used for debt service (principal, interest and service charges) on the loan. The Franchise holder shall account to the Commission for expenditures from the proceeds of any loan, to insure that eligible items are involved.

H. If the Franchise Holder makes any expenditure of Purse and Construction Moneys in good faith and it is subsequently determined that all or part of that expenditure does not qualify as an authorized purpose under Act 12, the Franchise Holder may use the unqualified amount for another purpose that is qualified. If, after the Franchise Holder is afforded that opportunity, there is a final determination that there remains at the end of the applicable multi-year period an amount that represents an unauthorized expenditure, that amount shall be paid to the Commission for the use and benefit of the State of Arkansas.

**2600.** See Rule 1119(b).

### **Instant Racing Purse & Awards**

**2700.** The franchise holder shall pay to the Racing Commission for deposit in the Arkansas Racing Commission Purse and Awards Fund, to be used for purse supplements, breeders' awards, owners' awards, and stallion awards as provided in Ark. Code Ann. Section 23-110-409, an amount equal to one percent (1%) of the "net takeout" from pari-mutuel wagering at the franchise holder's racetrack facility under the Electronic 1-2-3 (thoroughbred) rules. For this purpose, "net takeout" shall be the amount of the applicable takeout from the wagering pool remaining after payments for system and race rights usage fees.